

NEW JERSEY

George A. Hall, Clinton.

NEW MEXICO

Lora C. Dunlavy, Springer.

NEW YORK

William B. Hagan, Bloomingburg.

William C. Mead, Hall.

Grace Davies, Lake Kushaqua.

OHIO

George T. Newman, Malta.

PENNSYLVANIA

J. Donald Backenstose, Schaefferstown.

TENNESSEE

William R. Williams, Bells.

Edgar P. Stubblefield, Morrison.

WEST VIRGINIA

John W. Irvin, Charles Town.

Blanche P. Reed, Clay.

Matilda Mahon, Delbarton.

Albert A. Drinkard, Elbert.

James T. Keeney, Eskdale.

Thomas O. Wash, Kayford.

Ora E. Gay, Owens.

Andrew B. Canterbury, Pax.

Clifton M. Spangler, Peterstown.

HOUSE OF REPRESENTATIVES

WEDNESDAY, January 30, 1929

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy and loving Father, we are moved with wonder and praise when we recall how Thou dost provide for us. May Thy marvelous creation and Thy merciful providence incline our hearts to deep and reverential gratitude and thanksgiving. Hear us, though we are so filled of imperfections; we wait for Thy blessing. We are so thankful for the chivalry and for the home coming of those heroes who have just returned from where only God has been. Continue to increase and unfold our knowledge of justice, equity, of the rights of man, and of the necessities of the state. Ever keep us from confusing moral principles and hold before us the vision of truth, which is the grandest scepter that ever directed the thought of man. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 350. Joint resolution to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 14800) entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBINSON of Indiana, Mr. NORBECK, and Mr. GERRY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1731) entitled "An act to provide for the further development of vocational education in the several States and Territories."

FIRST DEFICIENCY BILL FOR 1929

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 303

Resolved, That the bill H. R. 15848, an act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supple-

mental appropriations for the fiscal year ending June 30, 1929, and for other purposes, with Senate amendments thereto, be taken from the Speaker's table, the Senate amendments be disagreed to, a conference be requested with the Senate upon the disagreeing votes of the two Houses, and the managers on the part of the House at said conference be appointed without intervening motion except one motion to recommit.

The SPEAKER. Referred to the House Calendar and ordered printed.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, by authorization of the Committee on Appropriations, I present the appropriation bill for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, and ask that the report be printed to accompany the bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER. Referred to the Union Calendar and ordered printed.

Mr. AYRES. Mr. Speaker, I reserve all points of order.

RELIEF OF B. C. MILLER

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11859, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 11859. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11859) for the relief of B. C. Miller.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, will the gentleman give us just a brief statement of the meaning of the amendment?

Mr. MICHENER. The amendment makes no change whatever in the purpose or meaning of the bill. It is just a change of phraseology. There is better language in the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

ORDER OF BUSINESS—DEFICIENCY BILL

Mr. SNELL. Mr. Speaker, several gentlemen have requested to know when we would take up the rule to send the deficiency bill to conference. We expect to take it up to-morrow immediately after the reading of the Journal and the disposal of business on the Speaker's table.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, and to provide a means for further investigation and payment in certain cases;

H. R. 14150. An act to amend section 279 of the Judicial Code; and

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear*.

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 1731. An act to provide for the further development of vocational education in the several States and Territories; and

S. J. Res. 198. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929.

RETURN OF SENATE BILL 4222

The SPEAKER. The Chair lays before the House a resolution of the Senate, which the Clerk will report.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES

Ordered, That the House of Representatives be respectfully requested to return to the Senate the bill (S. 4222) entitled "An act to authorize the creation of Indian trust estates, and for other purposes."

The SPEAKER. Is there objection?

Mr. HOWARD of Oklahoma. Mr. Speaker, the bill referred to in the Senate resolution was one which was introduced in the Senate by Senator THOMAS of Oklahoma. Senator THOMAS informs me and requests me to say to the membership of the House that this bill was fully considered by the Committee on Indian Affairs of the Senate, reported out unanimously, and passed the Senate without objection. On Saturday afternoon Senator THOMAS, the author of the measure, was temporarily absent from the floor of the Senate. Another Member of the Senate, without consultation with the author of the bill, lodged this request. I have great respect for the body at the other end of the Capitol, but in view of the facts I have stated I am objecting to this request.

Mr. CRAMTON. Mr. Speaker, I understand that this bill passed the Senate in April or May of last year. The time for reconsideration in the Senate passed long ago. It came to this House, was referred to the proper committee, was given consideration there, and reported to the House by the Committee on Indian Affairs last May.

Mr. HOWARD of Oklahoma. A similar bill to this, introduced by myself, was reported to the House. The bill asked to be returned is now in the Committee on Indian Affairs of the House.

Mr. HASTINGS. The gentleman means an identical bill?

Mr. HOWARD of Oklahoma. Yes. I object.

The SPEAKER. The gentleman from Oklahoma objects.

CALL OF COMMITTEES

The SPEAKER. The Clerk will call the committees.

NEZ PERCE TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 12520, which is on the Union Calendar. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I understand, of course, that the purpose of this request is expedition in the consideration of the bill. Are any of the bills which the gentleman is going to call up to-day controversial and bills which will take any elaborate explanation, or are they bills generally agreed upon in the committee?

Mr. LEAVITT. Every bill I shall call up to-day has been agreed on in the committee. It is not my intention to call up to-day those bills which are probably considered most controversial, although there are following this bill two jurisdictional bills which often cause some debate. I will state to the gentleman that the purpose of my request is not to shut off debate.

Mr. BANKHEAD. If bills are likely to entail a considerable amount of debate the request ought not to be made, because that involves the necessity of asking unanimous consent for the extension of time every five minutes. Of course, I realize that this is a matter that ought to be largely controlled by the discretion of the chairman of the committee.

Mr. CRAMTON. As I understand, the present request has to do only with the one bill referred to?

Mr. LEVITT. Oh, yes. My request has to do only with the one bill.

Mr. BLANTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. BLANTON. Is it not a fact that the Committee on Indian Affairs works so harmoniously together that there is no opposition to its bills?

Mr. LEAVITT. Well, I might hope that was the case but it is not always so.

Mr. BANKHEAD. Mr. Speaker, I withdraw the reservation.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States, notwithstanding lapse of time or statutes of limitation, to hear, determine, adjudicate, and render final judgment on all legal and equitable claims of whatsoever nature of the Nez Perce Tribe of Indians in Idaho, or of any band thereof, against the United States, arising under or growing out of the original Indian title, claim, or rights of the said Indian tribe or any band thereof, including all title, claim, or rights growing out of treaties of June 11, 1855 (12 Stat. 957), and June 9, 1863 (14 Stat. 673), and an agreement of May 1, 1893, approved by act of Congress of August 15, 1894 (28 Stat. 286), with the said Nez Perce Tribe or bands of Indians, in connection with the Nez Perce Indian Reservation in the States of Idaho and Oregon, and more particularly as to the following claims:

1. Claim for compensation for that part of the Old Agency land and improvements near Fort Lapwai, Idaho, reserved from sale by the

agreement of May 1, 1893, between the United States and the Nez Perce Tribe of Indians (28 Stat. 286), and thereafter disposed of by the United States without compensation to said Indians and described as follows:

"Commencing at a point at the margin of Clearwater River on the south side thereof, which is 300 yards below where the middle thread of Lapwai Creek empties into said river, run thence up the margin of said Clearwater River, at low-water mark, 900 yards to a point, run thence south 250 yards to a point, thence southwesterly in a line to the southeast corner of a stone building partly finished as a church, thence west 300 yards to a point, thence from said point northerly in a straight line to the point of beginning."

2. Claim for certain lands included in canceled allotments within said Nez Perce Indian Reservation in Idaho and thereafter disposed of by the United States, said lands not being included in the area ceded by said treaties or said agreement of May 1, 1893 (28 Stat. 286), to the United States and also certain erroneous per capita payments out of the amount appropriated by Congress in payment for lands ceded to the United States under the said agreement of May 1, 1893 (28 Stat. 286).

3. Claim for gold mined and removed by white men, without authority and in trespass, from the Nez Perce Indian Reservation lands in Idaho prior to the treaty of June 9, 1863, and its approval or ratification by the Senate on April 17, 1867 (14 Stat. 647), ceding such lands to the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed in the Court of Claims within five years from the date of this act, and in any such suit or suits said Nez Perce Tribe of Indians, or any band thereof, shall be party or parties plaintiff and the United States shall be the party defendant. The petition of the said Indians shall be verified by the attorney or attorneys employed to prosecute such claim or claims, under contract with the Indians, approved in accordance with existing law, upon information and belief as to the facts therein alleged and no other verification shall be necessary. Official letters, papers, documents, records, maps, historical works, and affidavits in official files, or certified copies thereof, may be used in evidence and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, reports, documents, or affidavits as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In the said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribe, or bands thereof, or any of them, and any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for said Indian tribes or bands, or any of them.

SEC. 4. Any bands of Indians associated with the Nez Perce Tribe deemed necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of the court of any such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee not to exceed 10 per cent of the amount recovered, or in the event of any compromise settlement and adjustment of any of the foregoing claims by the Commissioner of Indian Affairs and the Secretary of the Interior, then such officers shall have jurisdiction to fix and determine a reasonable fee not to exceed 10 per cent of the amount secured in such settlement or adjustment, to be paid to the attorney or attorneys employed as herein provided, and such fees shall be paid out of any sum or sums adjudged to be due said tribe or bands, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States to the credit of such tribes or bands where it shall draw interest at the rate of 4 per cent per annum.

With the following committee amendment: On page 3, beginning in line 16, after the word "States," insert:

such claim, in any event, not to exceed one-eighth of the amount of gold so mined and removed: *Provided*, That this act shall not be construed as creating any rights which may be made the basis of a legal or equitable cause of action but shall only authorize the said Nez Perce Tribe of Indians to present to the United States Court of Claims for adjudication such legal rights and claims, if any, which may exist under the treaties and agreements mentioned in this act.

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 5, line 23, strike out the period at the end of the line and insert the following:

The amount of any judgment shall be placed in the Treasury of the United States to the credit of the Nez Perce Tribe of Indians and shall

draw interest at the rate of 4 per cent per annum, and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to modify the amendment by striking out all reference to the period being stricken out. It is a new sentence and the period should remain.

The SPEAKER. Without objection, the Clerk will so modify the amendment.

There was no objection.

Mr. CRAMTON. Mr. Speaker, I will only state that this amendment is in line with the amendment that was placed in the California Indians' claim bill and in several subsequent bills. It is in line with the policy that seems desirable to avoid per capita payments, but to make use of these judgments in a way beneficial to the Indians.

Mr. FRENCH. Mr. Speaker, I recognize the attitude of the House upon the language of the proposed amendment. These particular claims have been pending for a good many years, and I would not be justified in asking the House at this time to modify the course of action it has taken on similar language involved in other claims.

Mr. LEAVITT. Mr. Speaker, in view of the agreement of the author of the bill, the committee, of course, can interpose no objection to the amendment.

Mr. HASTINGS. Mr. Speaker, I have no objection now to urge to this amendment, as the matter referred to in the bill does not affect my State. However, I just want to call the attention of the House to the fact that this is only a declaration of policy and, of course, does not bind the action of any subsequent Congress. I have no objection to the amendment, but just wanted to call attention to the fact that this is just a declaration of policy on behalf of Congress and, of course, could not bind any subsequent Congress in the disposition of this money provided that Congress wanted, by a conflicting amendment, to repeal this provision.

Mr. CRAMTON. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. CRAMTON. Of course, this Congress can not legally bind any subsequent Congress, but, to a large extent, this Congress can morally bind the beneficiaries of this legislation, and to some extent subsequent Congresses. Without such a proposition as this, some of us who take a very much different attitude toward these claim bills would oppose their passage; but with this kind of a provision there is not the same basis for opposition there would otherwise be. Hence the legislation is passed by reason of the acceptance of this provision by those speaking here for the Indians.

Having so accepted it, it would appear for the benefit of the Indians, that future Congresses should not lightly change it. There is a certain moral obligation that will exist but no legal obligation.

Mr. HASTINGS. I agree with the gentleman it is only a moral obligation and does not bind a subsequent Congress. I wanted to make that clear.

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

COOS BAY, LOWER UMPQUA, AND SIUSLAW TRIBES OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 13692) for the relief of the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians, and for other purposes.

The SPEAKER. This bill is on the Union Calendar, and the House therefore automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. BEEDY in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States as in other cases, to hear, determine, and render final judgment in all claims, legal and equitable, that the Coos (or Kowes) Bay, Lower Umpqua (or Kalawatset), and Siuslaw Tribes of Indians, in the State of Oregon, have against the United States.

The Court of Claims shall advance on its docket any suit or suits instituted hereunder, and shall have authority to determine and adjudge the rights, both legal and equitable, of the claimants in the premises, notwithstanding the lapse of time or statutes of limitation.

The suit or suits instituted hereunder shall be begun by the Coos (or Kowes) Bay, Lower Umpqua (or Kalawatset), and Siuslaw Tribes of Indians as parties plaintiff against the United States as party defendant.

The petition or petitions may be verified by the attorney or attorneys employed by the plaintiffs to prosecute the suits, and no other verification shall be necessary.

Official letters, correspondence, papers, documents, and public records, or certified copies of the same, may be used in evidence; and the departments of the Government shall give access to the attorney or attorneys for the Indians to said papers, correspondence, and records for use in the preparation and prosecution of such suits.

That upon final determination of any suit hereunder the Court of Claims shall determine such fees as it shall find reasonable to be paid to the attorney or attorneys representing the plaintiffs in the case, and the amount thereof, together with all proper and reasonable expenses incurred in the preparation and prosecution of the suit, shall be paid out of the judgment: *Provided*, That in no case shall the fees awarded exceed 10 per cent of the amount of the judgment.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That jurisdiction is hereby conferred on the Court of Claims to hear, examine, adjudge, and render final judgment in any and all legal and equitable claims of the Coos (or Kowes) Bay, Lower Umpqua (or Kalawatset), and Siuslaw Indian Tribes of the State of Oregon against the United States arising under or growing out of the original Indian title, claim, or rights of the said tribes (with whom no treaty has been made), in, to, or upon the whole or any part of the lands and their appurtenances occupied by said tribes in 1848 and long prior thereto, and embraced within the following description, to wit:

"Beginning at a point of rocks, known as Five Mile Point, in section 19, township 27 south of range 14 west of the Willamette meridian, Coos County, Oreg.; and running thence north along the coast of Oregon, to the mouth of a creek, known as Ten Mile Creek, in section 27, township 15 south, range 12 west, Lane County, Oreg.; thence east on the watershed between the waters of the Alsea and the Siuslaw Rivers to the summit of the Coast Range Mountains in township 26 south, range 7 west; thence in a southeasterly direction along the summit of said mountains, the same being the southwest boundary of the lands ceded by the Calapooia and Willamette Tribes of Indians, to the junction of the Calapooia Range, near the headwaters of the Siuslaw River, in township 21 south, range 4 west; thence in a westerly direction following the summit of the ridge between the waters of the Smith and the Umpqua Rivers, the same being the north boundary of the lands ceded by the Umpqua and the Calapooia Indians, to a point due north of the head of tidewater on the Umpqua River; thence south across the Umpqua River to the summit of the mountains dividing the waters of Camp Creek from the waters of the Umpqua River, the same being the west boundary of the lands ceded by the Umpqua and Calapooia Indians; thence in a southeasterly direction along the summit of the Coast Range Mountains, following the southwest boundary of the lands ceded by the Umpqua and the Calapooia Indians, to the summit of the divide separating the waters of Looking Glass Creek from the waters of the South Fork of Coos River in township 27 south, range 8 west, Douglas County, Oreg.; thence west to the point of beginning, which lands and the appurtenances thereunto belonging, including, among the other things, claimants' original means of securing a living thereon and therefrom by hunting, fishing, and otherwise, the said tribes claim were taken from them, and appropriated by the United States to its own use, in or about the year 1855, without any treaty cession or agreement, and without compensation to the tribes therefor.

"Sec. 2. In any suit instituted hereunder the Court of Claims shall have authority to determine and adjudge the rights, both legal and equitable, of the claimants in the premises, notwithstanding lapse of time or statutes of limitation, and the right of appeal to the Supreme Court of the United States is hereby granted to both parties.

"Sec. 3. The court shall also hear, examine, consider, and adjudge any claim or claims, including gratuities, which the United States may have against the said tribes properly chargeable in such suit; but any payment or payments which have been made by the United States upon any claim or claims of the tribes shall not operate as an estoppel but may be pleaded by way of set-off; and any other tribes or bands of Indians which the court may deem necessary to a final determination of such suits may be joined therein as the court may order.

"Sec. 4. If in any suit instituted hereunder for the value of unceded lands taken, sold, or disposed of by the United States it be determined by the court that the Indians are entitled to recover judgment, the price of such lands shall be limited to \$1.25 an acre, except as to any tracts that have been actually sold or disposed of under laws enacted by Congress establishing higher prices; in which case the court may be governed by the latter prices.

"Sec. 5. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition, subject to amendment, filed as herein provided in the Court of Claims within five years from the date of the approval of this act;

and such suit or suits shall make the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon party or parties plaintiff and the United States party defendant.

"The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Indians approved in accordance with existing law.

"Official letters, papers, documents, maps, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give to the attorney or attorneys so employed access to such treaties, papers, maps, correspondence, and reports as they may require in the preparation or prosecution of any suit or suits instituted hereunder.

"Sec. 6. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits, to be paid to the attorney or attorneys employed, as herein provided, by the said tribes, and the same shall be included in the decree, and be paid out of any sum or sums adjudged to be due, the balance to be placed in the Treasury of the United States to the credit of said tribes, where the money shall draw interest at the rate of 4 per cent per annum until paid."

Amend the title so as to read: "A bill authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims."

Mr. CRAMTON. Mr. Chairman, I have an amendment to offer to the committee amendment at the proper time.

The CHAIRMAN. The Chair will state that it is not in order at this time to offer amendments. General debate alone is in order, which is limited to two hours. One hour will be controlled by the chairman of the committee; and if there is anyone who desires to claim time in opposition to the bill, the Chair will recognize him.

Mr. LEAVITT. Mr. Chairman, I yield 15 minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, this bill relates to three tribes of Indians in the southwestern corner of the State of Oregon whose lands were taken from them by the United States Government.

In 1854 the Secretary of the Interior instructed an agent of the department by the name of Joel Palmer to enter into an agreement with the Indians similar to the agreements entered into with Indians generally. The Indians met the representative of the Government by appointing members of their tribal councils to confer, and they agreed upon an arrangement with the representative of the Government by which they were to have reservation lands and such other concessions as were made to Indian tribes generally.

They agreed to this in good faith and expected that the Government would ratify the treaty. However, the Senate never ratified this treaty, but the Indians have always conformed to the terms of the treaty arrangements and complied with every request made on them by the Government.

In 1856, when tribes farther south began a war that was known as the Rogue River Indian War, these Indian tribes refused to join, but gave aid and assistance to the white people and aided in the suppression of that Indian insurrection.

The Government, in order to protect the Indians, and also to protect the white settlers in the way thought advisable, removed these Indians from the lands that they had long occupied. They had small villages along the rivers, with comparatively substantial dwellings, and were supporting themselves as a peace-loving and peace-observing people. The Government removed them to a tract of land farther north and kept them there for awhile, and afterwards gradually allowed them to disperse and did nothing for them.

These Indians have been making such living as they can by working in logging camps, in sawmills, in canneries, by fishing, and by working on farms; but they have always felt that since they observed their side of the treaty faithfully that the Government ought to recognize its obligation when it assured them, through the proposed treaty, and took advantage of its unratified provisions, that if they would do the things they have done and are doing, the treaty would be ratified, and this is presented on their behalf by the committee and the people interested in the matter.

If there are any questions I will be pleased to answer them. I think I have stated the general outline of the bill.

Mr. MORTON D. HULL. I would like to ask the gentleman a question and also direct it to the chairman of the Committee on Indian Affairs.

Mr. HAWLEY. I yield to the gentleman.

Mr. MORTON D. HULL. This bill and the bill which preceded it relate to Indian claims 50 or 60 or 70 years old apparently.

Mr. HAWLEY. Yes.

Mr. MORTON D. HULL. What is the explanation of the extraordinary situation of having these bills here at this time with respect to these unsettled claims? It seems to me quite extraordinary that these matters have not been settled in some way long before.

Mr. LEAVITT. I will state to the gentleman that the entire reason is this: These Indians have been trying to get into the Court of Claims, just as many other tribes have been trying to get into the Court of Claims, to present what they consider to be just claims, but the law is such and the situation is such that they can get into the Court of Claims only by being allowed in by an act of Congress.

This is a matter that has been under consideration by various Congresses and it is a matter that the Committee on Indian Affairs feels should have been adjudicated many, many years ago.

Mr. MORTON D. HULL. Then these bills represent a default in duty upon the part of the Congress of the United States, is that right?

Mr. LEAVITT. It could perhaps be stated that way, but perhaps it would be as well to state it in this way. My personal judgment is that our entire approach to this question of claims on the part of Indian tribes has been faulty; that many years ago we should have created a court of Indian claims that would have had jurisdiction to consider matters of this kind and in that way we would have gotten them out of the way a long time ago. This would have been very important in the civilization of the Indians, to remove from their minds the idea that they have something coming from the Government or that we should pay them what they have coming from the Government and have the matter closed; but this kind of a measure has never been passed. I intend to introduce such a measure in the next Congress.

In the meanwhile we are considering in the committee these different matters as they come to us in the form of separate bills. We are considering them in the subcommittee upon which there are two former members of the bench. They are redrawn and put in a form which we think will receive the support of Congress and give these people an opportunity to present their cases and close them up.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. CHINDBLOM. As a matter of fact, most of these claims do not represent legal rights on the part of the Indians or legal obligations against the Government, as I understand it. They are addressed to the sense of equity, fairness, and justice of Congress just as other claim bills which are not based on legal rights.

Mr. HAWLEY. If the treaty had been ratified they would have had a legal right, but now it depends on the good will and assistance of the Government, based on a just claim.

Mr. CHINDBLOM. That happens to be the specific reason in this case. Then I think we are getting a little more liberal in opening the doors for this class of claims.

Mr. MORTON D. HULL. Would not the gentleman say a little more just?

Mr. CHINDBLOM. That depends on each individual case. I think, too, the Indians themselves, either directly or through representatives, are pressing the matters harder.

Mr. HAWLEY. These Indians and their representatives have for years kept this matter alive, urging that the treaty be ratified or some legislative action taken by Congress.

Mr. CHINDBLOM. I have no doubt of that as to a matter in which my friend from Oregon has been interested.

Mr. NEWTON. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. NEWTON. As I understand the facts, while the treaty was never ratified, yet the leaving of the land by the Indians, and their occupancy by the United States, was carried out just as if the treaty had been ratified?

Mr. HAWLEY. Yes; the Indians went on in good faith and left the lands expecting that the treaty would be ratified and that they would be given their rights.

Mr. NEWTON. And further, the lands have been opened up for settlement?

Mr. HAWLEY. Yes; a great part of the lands are now in private ownership and a great part in the forest reserves.

Mr. NEWTON. The United States Government has received all of the benefit just as if the treaty had been ratified?

Mr. HAWLEY. Yes; and the Indians have acted on their part just as if the treaty was ratified so far as the Government itself is concerned.

Mr. NEWTON. Why, under these circumstances, has there been such a length of time elapse when the Government has accepted the benefits of the treaty?

Mr. HAWLEY. I think the gentleman from Minnesota can answer that question as well as I can. It has been the delay in Congress—I do not know of any particular reason, but it has been one of those things that has never been settled.

Mr. LEAVITT. Is not the situation something like this: It has been hinted at by the gentleman from Illinois [Mr. CHINDBLOM] that we have become more liberal—I would say we have come to see the justice of these claims more clearly in recent Congresses than in the past; we have approached more closely to the problem of fitting the Indians into our civilization and citizenship, and have come to realize more fully than formerly the necessity of dealing justly with these people in order to accomplish that object.

Mr. CRAMTON. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. CRAMTON. Is not this also true, that the bills of late are drawn much more carefully by the Committee on Indian Affairs, drawn in a way to protect the Government's interest much more fully, drawn in a way to protect the interest of the Indians against unscrupulous attorneys; in other words, the bills coming in now are bills drawn in a reasonable way to reasonably protect the interest of the Indians rather than, as they used to be drawn, bills favorable to the claims of attorneys?

Mr. HAWLEY. I think there has been a great improvement.

Mr. CRAMTON. The bills as drawn now do not do away with the rights of the Government as many bills did that were drawn in other days, but protect the rights of the Government as well as the rights of the Indians.

Mr. LEAVITT. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the House, I hardly think it necessary to go into any further discussion with reference to the bill before the House, as that has been thoroughly covered by the gentleman from Oregon [Mr. HAWLEY], who introduced the bill, and by the chairman of the committee. I rise more especially to say a few words with reference to jurisdictional bills generally.

I have had the honor to be chairman of the subcommittee in charge of these bills for the last several years, and our subcommittee has made it a rule not to report any bill where the Indians or their representatives have not been able to make out a prima facie case. In other words, we feel that no bills should be reported out unless the Indians or their representatives can convince us that they have a claim which is just and which ought to be adjudicated in some tribunal. There are before our committee at the present time at least a dozen bills on which the committee has taken no action, and we have taken no action because sufficient evidence has not been offered to show that there is in fact a valid, legal, or equitable claim. I do not believe our Court of Claims should be cluttered up with a lot of claims and suits which have little or no merit. Such claims ought not to take up the time of the court. This court is already greatly burdened with a large number of cases. It is behind several years now with these Indian cases, and if we permitted all sorts of claims to go into the Court of Claims to be taken up in their order it would mean that many claims that had real merit could not be considered for the next 10 or 12 years.

The subcommittee has also tried to use a great deal of caution in watching the form of these bills. If the draft submitted is not in such form as to meet with the standards set up by the Committee on Indian Affairs, the subcommittee has redrafted the bill so as to make it conform to the general standard which has been adopted by the Committee on Indian Affairs, and it will be noted that in the bill before the House everything has been stricken out after the enacting clause, and the bill completely rewritten. In doing that we had two purposes in mind. First, to clarify the language; and second, to set out the specific claims on which the Indians are suing, so that the Congress will be apprized of the nature and character of the claim. It formerly was the practice to pass bills with general language, under which suit could be brought on every conceivable kind of claim without reference to its merits or legal or equitable basis. We have tried to obviate that by specifying in the bills the laws and treaties under which the Indians are seeking to recover, so that the Congress will have some notice of the character of the claim and its probable amount. Another thing that we have sought to do is to incorporate in the report accompanying the bill sufficient data with respect to the claims upon which recovery is sought to enable Members of Congress who read the report to form some judgment of their own as to whether the bill ought to be enacted into law. So in the present case you will find a fairly complete report of the matters in controversy.

Personally I believe that the sooner we can enact jurisdictional bills to permit Indians with just claims to come into

the Court of Claims, the better it will be for the Indians and for the country. In other words, I think it is harmful to the development of the Indian and to his progress to have him feel that he has been robbed of his property and has had no opportunity to present his claim to the Court of Claims or any other tribunal; and because this is so the policy of the committee has been, and probably will continue to be, to report out all bills where the Indians have been able to make out a case showing that they have a just cause of action.

JACKSON BARNETT CASE

A good deal has been heard with reference to Jackson Barnett, a Creek Indian of the Five Civilized Tribes in Oklahoma, who was married to a white woman nearly nine years ago, and who about three years after his marriage made a distribution of part of his estate by giving a portion to his white wife and providing for another portion to be held in trust during his lifetime, he to receive the income and then upon his death the amount to go to the American Baptist Society as an endowment fund for the Bacone College, an institution of learning for Indian boys and girls, and Murrow Orphan Home, an institution for the care of Indian orphans, both located at Muskogee, Okla.

It will be of interest to the Members of the House to know what a leading newspaper, published in Oklahoma, has to say regarding it, and I therefore want to submit an editorial from the Tulsa World, published at Tulsa, Okla., in its issue of January 16, 1929:

RESULTS ALL THAT COUNT

Jackson Barnett, the Indian millionaire ward of the Government, plunged into a whole lot of grief when he permitted himself to be married to a white woman. It may be remembered that the rich Creek had little to say in the matter of his mating, but the volume of litigation and conversation he stirred up by his surrender to the tender passion has more than made up for his own reticence. The Barnett marriage, with its accompanying legal entanglements, has occupied much space in the public prints for several years.

The contention usually has been between Mrs. Barnett and either the Indian Service at Washington or one of several courts. Much stress has been laid by the Indian Bureau on the manner of Barnett's marriage and the motives that inspired the fair lady to seek the illiterate, unkempt old Indian for a mate.

If there was collusion with reference to the affairs of Barnett that is another matter, but the fact stands out prominently that whatever may have been the motive, or purpose, however selfish it may have been, nobody has contributed as much toward his comfort and care as the woman who inveigled, if she did inveigle, him into marriage. She found him in a hovel, living in filth and dirt, and without proper food or raiment, and she dressed him up and elevated and improved his standard of living. The old Indian says he never has been so happy and had as many comforts of this world in all his life as he now has.

The donation, made to the Bacone University at Muskogee, which is dedicated to the care and education of Indian children, was probably better spent than it would have been if it had been given a lot of lawyers and litigants claiming heirship.

Viewed from a practical point of view, Jackson Barnett is getting more out of his wealth than he has ever gotten before and nobody is being harmed, except those anxious to put their hands upon some of his wealth. If the Indian Rights Society, or any other uplift society, would look upon it with a little more common sense they would be able to see that, as far as Jackson Barnett is concerned, he has been benefited rather than injured by the attachment he formed with his lady love, and certainly the money he gave the university could hardly be put to a better purpose. So, after all is said and done, it isn't far from the mark to say that the case of Mr. Barnett has been handled by the Department of the Interior wisely and directly for his interest and welfare.

Mr. LEAVITT. Mr. Chairman, I do not desire to yield any more time as no one has asked for time. I ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk again reported the bill, reporting the committee amendment.

On line 3, of page 6, of the committee amendment, the Clerk was directed to correct the spelling of the word "amendament."

Mr. CRAMTON. Mr. Chairman, I offer the following amendment to the committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: Page 7, line 6, after the word "paid," strike out the period, insert a comma, and add the following: "and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands

and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians."

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the committee amendment as agreed to.

The committee amendment as amended was agreed to.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 13692, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE KANSAS OR KAW TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 8901.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 8901, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8901) to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes."

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes," approved March 3, 1925, be, and the same is hereby, amended and reenacted so as to read as follows:

"SECTION 1. That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims which said Kansas or Kaw Tribe of Indians may have or claim to have against the United States, growing out of or arising under any treaty or agreement between the United States and the Kansas or Kaw Tribe of Indians, or arising under or growing out of any act of Congress in relation to Indian affairs, or for the misappropriation of any funds of said tribe, and for use of any funds of said tribe for purposes not for its material benefit, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

"SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed, as herein provided, in the Court of Claims within three years from the date of approval of this act, and such suit shall be prosecuted in the name of said Kansas or Kaw Tribe of Indians as plaintiff, upon petition No. F-64, now filed in the Court of Claims, and any amendment thereto that may be necessary under the provisions of this act, by the attorneys now representing said Kansas or Kaw Tribe of Indians in said case No. F-64, and all the evidence and proceedings filed in said case No. F-64 shall be received and accepted by the court to the same extent as though filed anew in the suit or amendment filed under this act. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorneys of said Kansas or Kaw Tribe of Indians to such treaties, papers, corre-

spondence, or records as may be needed by the attorneys of the Kansas or Kaw Tribe of Indians.

"SEC. 3. In said suit, the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Kansas or Kaw Tribe of Indians, but any payment, which may have been made by the United States, upon any claims against the United States, shall not operate as an estoppel, but may be pleaded as an offset in such suit.

"SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act, an appeal or other appropriate proceeding may be taken by either party as in other cases to the Supreme Court of the United States.

"SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the said attorneys of the Kansas or Kaw Tribe of Indians for their services and expenses as said attorneys: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

"SEC. 6. The Court of Claims shall have full authority by proper order and process to bring in and make parties to such suit any or all persons or tribes or bands of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

"SEC. 7. A copy of the petition shall in such case be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case."

The committee amendments were read as follows:

On page 2, line 3, after "1925," insert "(43 Stat. L. p. 1133)."

On page 2 strike out line 14, after the word "affairs," and all of line 15 and line 16 to and including the word "benefit."

On page 3 strike out that portion of line 3 following the word "act," and all of line 4 and line 5 to and including the figures "F64."

On page 3, line 18, after the word "payment," insert "including gratuities."

On page 4, line 9, after the word "States," strike out the period, insert a comma, and add "and in no event shall such fees exceed the sum of \$50,000."

Mr. LEAVITT. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. GARBER].

The CHAIRMAN. Does any one desire to speak in opposition to the bill? If not, the gentleman from Oklahoma is recognized for 10 minutes.

Mr. GARBER. Mr. Chairman, the background for this claim may be of some interest to the members of the committee giving some consideration to the relationship of the Indians to the National Government. It pictures very vividly the vanishing American, more so perhaps than any other relationship with any other tribe. Our first treaty with the Kaw Indians was made in 1815. They were a peace-loving tribe of Indians. They voluntarily placed themselves under the protecting care of the United States Government. At that time they were in possession of and owned a vast scope of territory extending on both sides of the Kansas River clear to the foothills of the Rocky Mountains; in addition, a vast tract of land in Missouri. Then, in 1825, another treaty followed in which the United States Government secured a vast portion of that land, consisting of something like 7,000,000 acres, and in that treaty it promised—listen to the language—that the remainder "shall be the home of the Kaws forever." Then, in 1846, another treaty was negotiated with these Indians and all their land taken away to become the public domain in consideration that the United States Government would furnish them "a suitable home" elsewhere in the eastern part of the State. That was done; and, mark you, the domain of the Indians was diminished during these years from 7,000,000 acres of land to 255,000 acres. Without detailing the treaties and negotiations diminishing the lands of the Indians, even that reservation was finally taken away by the Government in exchange for a reservation for them in the Osage lands in Oklahoma. The reservation continued to diminish until it has become so small as to be no longer self-supporting.

The gentleman from Illinois [Mr. MORTON D. HULL] asked a question just a short time ago in reference to why these claims were being presented so long after the transactions. In regard to a great many of them, it is because of the continuing administration on the part of the Government, and especially is that true with the Kaws. By means of numerous treaty negotiations through the years the Government acquired all this land, administered all the funds they had, the rentals from all the lands they had, collecting all the revenues that came in and administering them, and had never accounted for them during all the

years prior to the accounting of the Dawes Commission of July 8, 1904.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield there?

Mr. GARBER. Yes.

Mr. MORTON D. HULL. Do you mean that the administration of Indian affairs had been continually changing in personnel?

Mr. GARBER. Yes; and I mean also that the administration of Indian affairs was continuous. It was a continuous responsibility on the part of the Government to administer the affairs of the Kaws.

In 1902 a treaty was entered into between the Kaws and the United States. It was subsequently ratified by an act of Congress of July 1, 1904. The Government agreed that it would render an accounting to the Kaw Indians for its administration, extending back to 1826.

In this agreement the United States said, "Why, yes; we will account. We will cast up our accounts; but we must appoint the commission that does it." So it authorized the Secretary of the Interior to appoint a commission composed of the officials and employees of his department, having all the records and books in their possession; records of their own administration and of their own administrators, to settle up an account with the Indians for this long period of administration. To audit their own books and settle on their own figures was unconscionable. It should have been fair enough to say to these incompetents, "We will appoint an impartial commission; a commission composed of a personnel that is capable of giving a judicial quality to their service." The Secretary of the Interior appointed the commission from the officials and employees in his department, and the commission proceeded for two years in auditing the books of their own department, finally rendering its report.

Under the language of the agreement, they were to render without delay an accounting to this tribe of Indians. But they never did it. They made a final report. They did not say, when they were about to complete their accounting, "Now, you come in and look it over and see if it is right. If you have any suggestions to make we will be glad to consider them, and if there are any mistakes we want to correct them." They did nothing of the kind. They concluded their report and filed it, and two or three months later they served it on these Indians.

Mr. HOWARD of Oklahoma. Mr. Chairman, will my colleague yield?

Mr. GARBER. I yield to the gentleman from Oklahoma.

Mr. HOWARD of Oklahoma. Is this the tribe of Indians to which the Vice President elect belongs?

Mr. GARBER. Yes. The Vice President elect owns an allotment in the reservation. It is said he ought to be a little more aggressive in championing their cause.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. LEAVITT. Mr. Chairman, I yield to the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 10 minutes more.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Montana, the efficient chairman of the committee.

Mr. LEAVITT. In behalf of the Vice President elect, should it not be said, when he is charged with not having been as aggressive as he might have been, that the reason is that he would have been charged with doing it on his own behalf, because he is interested in the reservation?

Mr. GARBER. Yes; that is true. It might then be said he had a personal interest in the property and was using the influence of public position to promote his individual interests.

Mr. HOWARD of Oklahoma. Is it not a fact that the Vice President elect is noted for his modesty?

Mr. GARBER. Yes; as well as for his high ability.

Mr. LEAVITT. The Vice President elect was talking to me in regard to Indian matters recently, and I think it should be stated in reference to him that he is very much interested. He has been keen for the welfare of the Indians during all his long public life, and the only reason that could possibly suggest itself to my mind why any gentleman should possibly criticize his action is that this is his own tribe and allotment and criticism can not be made of him for having been too active in his own behalf.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Michigan.

Mr. CRAMTON. With reference to the interest of the Vice President elect in matters affecting not only this tribe of Indians but also other tribes, I am quite familiar with his interest because of contact with him for a number of years in con-

ferences on the Interior Department appropriation bill. In the recent political campaign, a pamphlet was circulated very widely, attacking the gentleman, then the candidate for Vice President on the Republican ticket, who was chosen as Vice President at that election, attacking him on the ground of his connection with the affairs of the Five Civilized Tribes. That pamphlet, a copy of which I have, was circulated at the instance of one John Collier, the executive officer of the American Indian Defense Association. The subject matter of it was prepared under his direction. It was entirely characterized by the same willful misrepresentation and disregard of truth generally as characterize his fulminations against those who do not do his bidding in Indian matters. Nothing that has been issued by that gentleman has more completely demonstrated his unreliability and his undesirability as a spokesman in Indian matters than that unjust attack on the Vice President elect. That was accompanied by similar attacks, inspired from the same source, not only upon the Vice President elect but of the entire administration of Indian matters for several years past.

However, it is interesting to note that notwithstanding the wide distribution of those attacks in the campaign, the vice presidential candidate, and the party for which he stood, were overwhelmingly indorsed in every State having any Indian population whatever.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman.

Mr. HOWARD of Oklahoma. The gentleman from Oklahoma, in calling attention to the fact that the Vice President elect was a member of the Kaw Tribe of Indians, did so for the purpose of calling the attention of the House to the high class of the Kaw Indians. [Applause.]

Mr. GARBER. I think it can be reasonably said that the Vice President elect, as a citizen and as a statesman, has worn well through all the years. He has demonstrated the quality of material necessary and essential for good administration in government, and his record and his service to the country reflects credit upon his tribe as well as upon himself and the American people.

In one of the most difficult positions of high public service he has demonstrated his ability as leader of the Senate. His actual service to the country in that position has demonstrated his qualifications for Vice President second to none of his predecessors. As a citizen of Oklahoma, adjoining the State of Kansas, I may be pardoned for saying that in my judgment, he is one of the best all-round qualified persons ever elected to that position. [Applause.]

Before leaving the pathetic side of the vanishing domain of the vanishing Kaw, permit me to call your attention to what the commission said of this tribe and our treatment of them. Here is what they say:

One of the first acts of the Kansas Tribe of Indians—

There they were called Kansas Indians but afterwards they were called Kaws—

when entering into treaty negotiations with the Government, was to place themselves under its guardianship and protecting care. At that time they were possessed of a large and valuable property which they from time to time relinquished to the Government, and which, if it had been judiciously managed in accordance with treaty stipulations, would have left them one of the richest and most independent of Indian tribes.

Fully consider that statement—

If the trust had been honestly and judiciously administered.

Well, who was administering the trust? The United States Government. And what was the consideration? The lands and property they had taken from the Kaws. I read further:

On the contrary, their financial condition has never been prosperous, but they have lived in large measure since the first cession of their lands upon the bounty of the Government; which goes to show in what manner the trust reposed by the Indians has been administered. For these reasons alone, if there had been no other, they are entitled to magnanimous treatment at the hands of the Government in the settlement of their present claims.

[Applause.]

Mr. MORTON D. HULL. What is the date of that report?

Mr. GARBER. July 8, 1904. The act ratifying this treaty conferred jurisdiction upon the Court of Claims to hear and determine every item that went into this accounting, and it was right that it should do so.

Mr. AYRES. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Kansas.

Mr. AYRES. That was the opinion of the Court of Claims?

Mr. GARBER. No; this is not the opinion of the Court of Claims. It is the treaty itself as ratified by the act of Congress.

Mr. AYRES. Has it ever been referred to the Court of Claims?

Mr. GARBER. There is a suit now pending in the Court of Claims, and we are now right up to that proposition. The act of 1925 conferring jurisdiction upon the Court of Claims limited the jurisdiction conferred in the act of 1904 ratifying the treaty so as to exclude this accounting. It excepted the accounting by the commission from the jurisdiction of the Court of Claims.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. LEAVITT. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. GARBER. The purpose of the bill is to open the door that the treaty opened, and which the act of Congress approving the treaty opened, which was that the Court of Claims should have complete jurisdiction of all the claims between the parties. And that is the purpose of this bill, and the only purpose. It is to give the Court of Claims complete jurisdiction of all these accounts. The purpose of the bill is simply to open the door and give the Court of Claims jurisdiction of all these matters in dispute between these parties and to afford both parties an impartial tribunal for the adjudication of all matters in dispute—a forum wherein the vanishing Kaw must be permitted to stand upon an equality with Uncle Sam—and the conscience of the American people will be satisfied with nothing less. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. I note that the department has made an adverse report on the bill. I was opposed to the bill; but after listening to the very clear presentation of the matter by the gentleman, I must necessarily reach a conclusion to support the bill. It is one of the finest arguments I have heard on the floor of the House on any bill. [Applause.]

Mr. GARBER. I thank the gentleman from Wisconsin.

An adverse report of a department should have no terrors for a Member of Congress. Who composes the Congress of the United States? Who exercises the legislative jurisdiction of this country? It is true there is an adverse report on the part of the Secretary of the Interior. I think it is not to his credit either, because good conscience and equity and justice could not do otherwise than favorably report this bill. What are his grounds? What are the grounds of disapproval? It is simply because it does not meet the economic program of the President of the United States. What has that got to do with the administration of justice and the conscience of the American people? [Applause.]

The Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 2, after the figures "1925," insert "(43 Stat. L. 1133)."

The committee amendment was agreed to.

Page 2, line 14, after the word "affairs," strike out the balance of line 14 and down to and including the word "benefit" in line 16.

The committee amendment was agreed to.

Page 3, line 3, after the word "act," strike out the balance of line 3 and down to and including "F-64" in line 5.

The committee amendment was agreed to.

Page 3, line 18, after the word "payment," insert the word "including gratuities."

The committee amendment was agreed to.

Page 4, line 11, after the word "States," insert the words "and in no event shall such fees exceed the sum of \$50,000."

Mr. HASTINGS. Mr. Chairman, I am heartily in favor of this bill, but I hope my colleagues will not adopt this amendment but will vote it down.

I do not believe this kind of amendment placing an additional limitation upon attorneys' fees ought to be inserted in this or any of these bills. Let me call the attention of the committee to the fact that we have just passed two jurisdictional bills, H. R. 12520 and H. R. 13692, with this limitation eliminated.

Let us see what section 5 does. It limits the amount of attorneys' fees to 10 per cent. They can not be in excess of that and they are further limited to the finding of the Court of Claims. After the services have been completed then the work of the attorneys before the Court of Claims is resubmitted to the Court of Claims and the Court of Claims within the contract and within the 10 per cent fixes the amount of attorneys' fees.

I call your attention to the fact that if this amendment further limiting the attorneys' fees is eliminated, then the provi-

sion will correspond exactly with the two bills we have heretofore passed to-day. I am glad to know there are so many here who are earnest in their support of the Indians.

Mr. CRAMTON. Will the gentleman yield?

Mr. HASTINGS. I will be pleased to.

Mr. CRAMTON. In the past, the gentleman knows, extortionate fees were permitted, but the attempt of the Committee on Indian Affairs of late has been to safeguard the Indians against that and the requirement that is in the bill restricts the fees to 10 per cent of the amount recovered. As I understand it, if we pass these bills with such a provision, the Court of Claims does not necessarily take 10 per cent as the rule.

Mr. HASTINGS. That is true.

Mr. CRAMTON. But does make an examination of the facts in the case and fixes a fee to correspond with the equities—

Mr. HASTINGS. With the services rendered.

Mr. CRAMTON. But within a maximum of 10 per cent.

Mr. HASTINGS. It can not exceed that.

Mr. CRAMTON. I sympathize much with the views of the gentleman from Oklahoma, based upon the fact that I understand the Court of Claims will make the examination and fix the fees within 10 per cent and not necessarily go in every case to the maximum of 10 per cent.

Mr. HASTINGS. I heartily agree with that and I agree with the suggestion that the court ought to do it, and as I understand it, the court does do that.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman.

Mr. WILLIAMSON. Has the gentleman made a motion to strike out the \$50,000?

Mr. HASTINGS. I am opposing that amendment, and I trust it will not be adopted, for the reason we have just now passed two jurisdictional bills with that sort of a provision eliminated. It will then restrict the amount of the fees to 10 per cent and leave it to the Court of Claims to determine after reviewing all of the services that have been rendered by the attorneys in the case.

Mr. WILLIAMSON. If the gentleman will yield further, I may state that in the original bill the attorneys' fees were limited to \$25,000, but it was perfectly apparent to the subcommittee that had the bill under investigation that in this particular instance \$25,000 was an insufficient amount. This occurred about a year ago. After some consultation with the attorneys in the case, they expressed themselves as being satisfied with a limitation of \$50,000.

Mr. HASTINGS. Yes; they reluctantly did that because they felt that they had to do it in order that they might get some favorable consideration of the bill, but I think that is wrong in principle.

Mr. WILLIAMSON. I agree with the gentleman. I think the limitation of not to exceed 10 per cent is the proper limitation, but I think the House should know how it came about that this limitation of \$50,000 was placed in the bill. Since this bill was considered by the Indian Affairs Committee, conferences with those Members who have heretofore insisted upon limiting the attorneys' fees to a specific sum have resulted in a general agreement upon a provision which will authorize the Court of Claims to fix the fee, provided such fee shall in no case exceed 10 per cent of the amount recovered.

Mr. HASTINGS. I hope the House will vote down the amendment, and I understand that is agreeable to the author of the bill. [Applause.]

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to speak for five minutes on the amendment—not in opposition, but in regard to it.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. LEAVITT. No; for that reason I am asking unanimous consent, the time having expired.

The CHAIRMAN. The question before the committee now is on the amendment itself.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the position of the Committee on Indian Affairs on this point ought to be made plain. The circumstances under which this limitation of \$50,000 for attorneys' fees was placed in the bill has been stated by the gentleman from South Dakota, Judge WILLIAMSON, who is the chairman of the subcommittee. It was a matter of agreement, and it was because at the time the bill was originally before the House and became a law in 1925, demand was being made that these limitations be placed on them. That demand was being made very largely under the belief—and it was rather prevalent in the House—that there had been an abuse on the part of the Court of Claims in fixing these attorney fees to the disadvantage of the Indians; that too great a percentage had been paid under the action of the Court of Claims.

It should be stated in the Record that there has been no such abuse on the part of the Court of Claims. On the contrary, if we take the record of the 23 cases in which Indian claims have been adjudicated, going back to 1895, we will find in those instances in which the fee was fixed by the Court of Claims itself that in only one or two cases has the percentage of 10 per cent been exceeded, and those were instances in cases many years ago. I am going to quote a few of the more recent cases. I think if we go back 10 years we will have cases acted upon by the present members of the Court of Claims.

In 1918 there was a case of the Omaha Indians against the United States, where there was a recovery of \$122,295.31, and the Court of Claims allowed a 10 per cent fee in that case, a fee of \$12,229.53, which, of course, is only one-quarter part of the amount set out in the limitation now before the House.

Another case in 1922—two tribes of Sioux Indians against the United States—in which there was a recovery of \$386,597.89, and the Court of Claims allowed a fee of 10 per cent, or \$38,659.78, which is again less than the limit set in this bill.

In 1926 the Yankton Band of Sioux against the United States recovered approximately \$310,000, and the attorney fees allowed were only \$25,000, or 8 per cent. I presume in that case some limitation had been set upon the attorneys' fees, but of that I am not sure. These are the only cases in the last 10 years in which the fees have been fixed by the Court of Claims. The fees have been fixed through the history of 23 cases, partly by the courts, partly by contract through the department, and in one case by the Comptroller of the Treasury. If you take all of the apparently large fees, going back through that period of years, beginning in 1895, you will find that the average fee is only 9.7 per cent, even including the few cases in which apparently large fees were allowed upon the facts presented, and those large fees are not excessive in regard to the total amount paid the attorneys.

So there is no such situation as the House seemed to think there was.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. The tabulation to which the gentleman refers, and of which I have a copy, refers to certain judgments and the percentages. It does not show what the limitation was in the acts. That is what I am most curious to know. I am curious to know whether the Court of Claims always gives the maximum permitted by the act. In the case the gentleman refers to, the Sioux case in 1922, there was an attorney's fee of 10 per cent. I suppose that was the maximum that the act permitted.

There was a case in 1927 where again 10 per cent was allowed. I suppose that was the maximum in the act. Now, in the Yankton Sioux Band case there was allowed 8 per cent—\$25,000. It would appear that that was the maximum permitted by the act.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. CRAMTON. Mr. Chairman, I ask that the gentleman may have five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. On the other hand, there was the Michigan Pottawatomie case, in 1895, where the fee was 35 per cent. I am curious to know whether that 35 per cent was fixed by the Court of Claims or by the act of Congress. In other words, I want to know whether the Court of Claims, when no limitation was put in the act as to the percentage, allowed a 35 per cent fee, which is an unreasonable and improper allowance. I am inclined to assume that the fee was fixed by the act of Congress, and not by the Court of Claims. I would be glad if the gentleman from Montana would insert in his remarks in this connection the tabulation to which reference has been made, adding to it one column that will show what was the limitation in the act.

Mr. LEAVITT. Mr. Chairman, I can not get that insertion in my remarks to-day, but this committee has another Calendar Wednesday next week, and I shall be glad to have the Indian Office prepare that more complete tabulation. The only point that I am trying to make is that in the last comparatively few years, during which the present members of the Court of Claims have been on the bench, there is no evidence of that court's having been excessive in any of the fees that it has allowed, and even if we defeat this amendment we are not removing the limitation. We are saying here that it shall be 10 per cent, but that we will not put upon it the further limitation of \$50,000.

Mr. CRAMTON. I have not been speaking in criticism of the Court of Claims. I think that statement is not full enough to enable us to judge. I have a good deal of confidence in what

the court will do provided they understand that we mean that the 10 per cent limitation is not necessarily a minimum as well as a maximum.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to place in the Record in connection with my remarks a memorandum with respect to the famous fee of \$750,000, which has been discussed many times on this floor. It has nothing to do with the action of the Court of Claims, and it is in such form that I think it would be very informative to the House.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The memorandum referred to is as follows:

MEMORANDUM RELATIVE TO THE \$750,000 FEE OF MESSRS. MANSFIELD, MCMURRAY & CORNISH

Relative to the \$750,000 fee of Mansfield, McMurray & Cornish for certain services rendered as attorneys for the Choctaw and Chickasaw Nations, the facts are set out in the findings of fact made by the United States Court of Claims in connection with its decision of July 1, 1926, in the case of J. F. McMurray v. The Choctaw Nation and the Chickasaw Nation (62 Ct. Cls. 458-470). The court's statement relative to the above-mentioned fee and the services of Mansfield, McMurray & Cornish, for which the above-mentioned fee was awarded by the Choctaw-Chickasaw Citizenship Court, is as follows:

"By act of Congress of June 10, 1896 (29 Stat. 321, 339), the Dawes Commission was authorized and directed to make citizenship rolls of the members of the Five Civilized Tribes of Indians in Indian territory; and an appeal to the United States courts in the territory from the decision of the commission upon the application of any person for enrollment as a citizen of any of said tribes was authorized by said act. Appeals from decisions of the Dawes Commission to the said United States courts were taken in a large number of Choctaw and Chickasaw citizenship cases, involving the citizenship of about 3,600 persons, known as 'court claimants,' about 2,300 of whom were held by said courts to be entitled to citizenship. The Choctaw and Chickasaw Nations contended that most of these persons were not entitled to citizenship and that the court decisions holding them entitled to citizenship had been fraudulently procured; and under the advice of their said attorneys in citizenship matters, Mansfield, McMurray & Cornish, set about to secure a review of said court decisions.

"On January 17, 1901, a written agreement was entered into between said attorneys, Mansfield, McMurray & Cornish, and the Choctaw and Chickasaw Nations, acting by their respective executives pursuant to authority granted by acts of their legislative bodies, the general councils of said nations, employing said attorneys to represent said nations, in preventing allotment or distribution of tribal property to the said 'court claimants' and providing for a contingent compensation to them of 9 per cent of the value of the tribal property that would be saved to said nations by the denial of citizenship to any or all of said claimants, said compensation to be for both past and future services of said attorneys to the end in view.

"Said attorneys, Mansfield, McMurray & Cornish, used their best endeavors toward the accomplishment of the purpose of their employment as set forth in said agreement of January 17, 1901; and in the said act of July 1, 1902, a Choctaw and Chickasaw citizenship court was created to determine the validity of the court decisions in the said 'court claimant' cases, such determination to be by the retrial of said cases before the said citizenship court, the tenure or life of which court was at first limited to expire December 31, 1903, but which was subsequently extended to December 31, 1904.

"The said agreement of January 17, 1901, was submitted by Mansfield, McMurray & Cornish to the Department of the Interior on or about February 10, 1903, for approval, and was approved by the Secretary of the Interior on or about February 20, 1903, on condition that the percentage of the fee should be 5 per cent instead of 9 per cent, with a further limitation of the fee to a maximum of \$250,000. This modification of the agreement was not accepted by Mansfield, McMurray & Cornish, and a provision was secured by them in the Indian appropriation act of March 3, 1903 (32 Stat. 982, 995), vesting the said citizenship court with authority to fix the amount of said fee.

"Mansfield, McMurray & Cornish represented the Choctaw and Chickasaw Nations in the suits in the said citizenship court, amounting in all to 263 suits, and involving the citizenship rights of about 3,403 applicants for citizenship, of which number all but about 156 were excluded from citizenship, and the allotments they would otherwise have received were saved to said nations. Upon the completion of its work in December, 1904, said citizenship court fixed the fee for the said services of Mansfield, McMurray & Cornish at \$750,000, which was about 52 per cent of the 9 per cent fee provided for by the said agreement of January 17, 1901, with said nations. The language of the court in fixing the amount of the fee was as follows:

"In our opinion the compensation fixed by the contract would be excessive, but the sum of \$750,000 would be a reasonable compensation and should be allowed the firm of Mansfield, McMurray & Cornish for

all services connected with citizenship matters under the contract dated January 17, 1901, and in lieu of all expenses save and except such as are provided for by law, as set out in section 33 of the act of Congress approved July 1, 1902, and said amount is hereby fixed and allowed as a reasonable compensation to said attorneys in this behalf."

Said fee was subsequently paid Mansfield, McMurray & Cornish by or in behalf of the Choctaw and Chickasaw Nations.

Mr. GARBER. The gentleman has no objection to the phraseology of this bill with reference to the fee, has he?

Mr. LEAVITT. I have no objection, and I have no objection to removing the \$50,000 limitation.

Mr. HASTINGS. So that that would be uniform in all these jurisdictional bills?

Mr. GARBER. This is the language in this bill:

Provided, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

That leaves with the court judicial discretion based on the services rendered.

The CHAIRMAN. The question is on the committee amendment in lines 11 and 12 on page 4.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I send to the desk an amendment to be inserted on page 4, line 11, after the word "State."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 4, line 11, after the word "State," insert the following:

"The amount of any judgment, after payment of such fees and expenses, shall be placed in the Treasury of the United States to the credit of the Kansas or Kaw Tribe of Indians, and shall draw interest at the rate of 4 per cent per annum, and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

Mr. HOWARD of Oklahoma. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. Is it not a fact that most of these Kaw Indians have had their restrictions removed, and have certificates of competency?

Mr. GARBER. Yes; many are competent, and are very successful business men, engaged in different occupations.

Mr. HOWARD of Oklahoma. I am wondering about the propriety of tying up and leaving in the Treasury to be appropriated money that we find due these individuals who have their certificates of competency.

Mr. CRAMTON. We are spending some money for these Indians, and I know that when the time comes for an appropriation they are all very poor Indians. It may be that some of them with restrictions removed are no longer in a position to involve any expense to the Government. Possibly a little different action is required here than in the other bill. Generally this is the policy that ought to be followed. The gentleman from Oklahoma [Mr. GARBER] was already discussing that feature of the case with me when the gentleman from Oklahoma [Mr. HOWARD] rose. My suggestion was that this go on its way to the Senate, and let the matter be thoroughly threshed out and see what the effect is, and then the House, if it desires, can consent to any proper change.

Mr. HOWARD of Oklahoma. It is his bill.

Mr. GARBER. Why prejudice the bill with an amendment which we see in such instances should not apply. This is an exceptional case.

Mr. CRAMTON. Mr. Chairman, I am not yet convinced it does not, because when we have up appropriation bills we make appropriation for these Indians, and then they are "poor" Indians. Now this bill has an adverse report from the Budget and some of us would scan it much more carefully if it is to go in the form of a gratuity to a lot of rich nonrestricted Indians.

Mr. GARBER. It is not going in the way of a gratuity in this bill. Where is there any appropriation in this bill?

Mr. CRAMTON. There will be one if they win the suit.

Mr. GARBER. It will be only the money to which they are justly entitled. There is no gratuity coming from the United States Government.

Mr. HOWARD of Oklahoma. Let me make the suggestion that the gentleman's amendment be so written as to apply to the restricted Indians—

Mr. CRAMTON. If the gentleman will permit, the amendment in question I submitted to the committee, and I suggested this to the gentleman from Oklahoma [Mr. GARBER], and now this comes up as a surprise. I have said to the gentleman from Oklahoma [Mr. GARBER] I am willing to investigate the matter further in connection with any amendment the Senate might make and then be prepared. On the other hand, I do not like to surrender this principle for Indians for whom we are making appropriations for health, education, and so forth. We just allow them to squander foolishly the amount of the judgment and then we go on and pay for their education and health.

Mr. HOWARD of Oklahoma. I am not asking the gentleman to surrender his policy as to the restricted Indians. The point I am bringing out is I do not see the justice of holding money that is found to belong to men having a certificate of competency and not restricted.

Mr. GARBER. Exception should be made of those members from whom restriction has been removed.

Mr. CRAMTON. The trouble with that is this: That in many cases restrictions have been removed unwisely, and the Indians speedily lost everything they had, and now it is being urged upon us in many cases where we should provide for these unrestricted Indians just the same as the restricted Indians. If these 91, or some of them, are wealthy and are no burden to the Government, that is one thing, and I would like a little opportunity to find out.

The CHAIRMAN. The time of the gentleman has expired. The question recurs on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. MICHENER having taken the chair as Speaker pro tempore, Mr. BEEDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 8901, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. LEAVITT. Mr. Speaker; I move the previous question on the bill and all amendments to final passage.

The motion was agreed to.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS ARISING UNDER INDIAN IRRIGATION PROJECTS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 13977) authorizing the Secretary of the Interior through the Commissioner of Indian Affairs to settle claims by agreement arising under operation of Indian irrigation projects.

The SPEAKER pro tempore. The gentleman from Montana calls up the bill H. R. 13977. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 13977) authorizing the Secretary of the Interior through the Commissioner of Indian Affairs to settle claims by agreement arising under operation of Indian irrigation projects.

The SPEAKER pro tempore. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration. The gentleman from Maine [Mr. BEEDY] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13977, with Mr. BEEDY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13977, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to pay out of funds available for the Indian irrigation projects for damages caused to owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of irrigation works of such projects and which may be compromised by agreement between the claimant and the Secretary of the Interior, or

such officers as he may designate: *Provided*, That the total of any such claims authorized to be settled as herein contemplated shall not exceed 5 per cent of the funds available for the project under which such claims arise during any one fiscal year.

Amend the title so as to read: "A bill authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects."

The CHAIRMAN. The gentleman from Montana [Mr. LEAVITT] is recognized for one hour. Is there anyone who desires to speak in opposition to the bill? If no debate is desired, the Clerk will read the bill for amendment.

Mr. LEAVITT. Mr. Chairman, the author of the bill [Mr. SMITH] does not wish to take up any time on it, and I do not care to speak. I ask that the Clerk read the bill for amendment.

The Clerk read the bill for amendment.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House without amendment, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. MICHENER having resumed the chair as Speaker pro tempore, Mr. BEEDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 13977) authorizing the Secretary of the Interior through the Commissioner of Indian Affairs to settle claims by agreement arising under operation of Indian irrigation projects, had directed him to report the same back without amendment, with the recommendation that it do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended.

On motion of Mr. LEAVITT, a motion to reconsider the last vote was laid on the table.

BRIDGE ON SOBOBA INDIAN RESERVATION, CALIF.

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 15092.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge on the Soboba Indian Reservation, Calif.

The SPEAKER pro tempore. This bill being on the Union Calendar, the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration. The gentleman from Maine [Mr. BEEDY] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15092, with Mr. BEEDY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15092, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That an appropriation of \$11,000 is hereby authorized, out of any money in the Treasury not otherwise appropriated, to pay not to exceed half the cost of the construction of a bridge and approaches thereto across the San Jacinto River near the Soboba Indian Reservation in the State of California, including the cost of surveys, plans, estimates, and specifications, and other necessary expenses connected therewith, on condition that the State of California or the county of Riverside provide the remainder of the cost, and under rules and regulations prescribed by the Secretary of the Interior, who shall also approve the plans and specifications therefor: *Provided*, That before any money is spent hereunder the State or county shall agree in writing to maintain the bridge and approaches without expense to the United States or the Indians.

Amend the title so as to read: "A bill to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif."

The CHAIRMAN. The gentleman from Montana [Mr. LEAVITT] is recognized for one hour. Is there anyone who desires to speak in opposition to the bill?

Mr. LEAVITT. I yield five minutes to the gentleman from California [Mr. SWING].

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. SWING. Mr. Chairman and members of the committee, this is a proposal whereby the Government will have the benefit of the cooperation of the county of Riverside in the building

of a bridge which is essential to the utilization of the Indian property of which the Government is the trustee.

The Soboba Indian Reservation consists of 4,450 acres, all of which lies on the north side of the San Jacinto River. The town of San Jacinto lies on the south side of the river. San Jacinto City is the only source of supply for the people who live on the reservation. During high water in winter the San Jacinto River can not be safely forded, and, therefore, the occupants of the reservation are cut off from the bases of their supplies because they can not get to town.

Also the Indian children on the reservation have to attend the public schools in the city of San Jacinto. When the river is up it is impossible for the Indian children to get across to go to school, and they are interrupted in their attendance at school.

In addition to that the Mission Indian Hospital, which is the hospital for about 8 or 10 Indian tribes in southern California, is located on the Soboba Reservation.

Recently we made a \$30,000 addition to the hospital, which increased its capacity. It is impossible to get across the river to this hospital at high water, and a number of hardships and unnecessary suffering—including some maternity cases—have resulted from the inability to get across the river to this hospital at high water. There used to be a bridge there, which was built by the local people. It was not a very good one, and it washed out in a storm about two years ago. It has not been replaced.

The county of Riverside feels that it does not have by itself enough interest in the proposition to justify it building a new bridge at its own expense, which would be primarily for the benefit of the Indians. It is willing, however, to comply with the terms of this bill. It is willing to pay half the cost of the bridge and approaches and agrees thereafter to maintain it at its own expense, without further contributions from either the Government or the Indians.

Mr. Chairman, I yield back the remainder of my time.

Mr. CRAMTON. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. The gentleman is recognized for one hour.

Mr. CRAMTON. I will not need all of that time.

Mr. Chairman and gentlemen of the committee, I want to call the attention of the committee to what kind of a precedent this bill would constitute if passed. I realize that if the committee wants to establish that kind of a precedent it will do so.

We have had a good deal of difficulty about getting money for the building of roads and bridges on Indian reservations. All through the years there has been a crying demand for roads and bridges on Indian reservations, but we have not been able to build them as fast as was really desirable. However, this year we have entered on a program of \$250,000 a year for the building of roads and bridges on Indian reservations, but that appropriation is tied up with a limitation requiring the use of Indian labor, other than for engineering and supervision. In other words, that \$250,000 is to be highly beneficial to the Indians, not only because of the roads and bridges constructed but because of the labor it will furnish to those Indians.

We have in some cases, where a river constituted the boundary of an Indian reservation, put up our half of the cost of a bridge across such river, but this is the first time that I know anything about where it has been seriously proposed that we should go outside of an Indian reservation, not in contact even with the boundary of the Indian reservation, and build a road or build a bridge on a highway outside of the reservation. This is a bill to have the Federal Government pay half the cost of a bridge that is not on a reservation or in contact immediately with it, it being something like half a mile away from the reservation.

There has been a great deal of attack on the policy of the Government with reference to Indians. The fact is that no Government has ever treated any aboriginal race with one-tenth the generosity that this Government has shown toward the Indians in this country. There is no place where there is more of criticism of the Government than in California; no place where they demand more of the Federal Government and pay less than in California, and yet here is a case where they come and ask us to develop the roads on a reservation and not only to feed and clothe those Indians when they are destitute, but to pay half the cost of building a bridge. They are citizens of California and they are voters in California. We are not only to provide them their health and education, but now they want us to go some distance from the reservation and pay half the cost of building a bridge.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEAVITT. What is the distance?

Mr. CRAMTON. A half mile, I have stated.

Mr. LEAVITT. I think not.

Mr. CRAMTON. Well, I will say that to-day I inquired of the Assistant Commissioner of Indian Affairs, but unfortunately the telephone service was not quite perfect and when the message came back, instead of getting me they got the gentleman from New Jersey [Mr. PERKINS], who is now present, and he was kind enough to give me the message. I think I quote him correctly when I state that the message from the Indian Office was to the effect that the bridge was a half mile from the reservation.

Mr. PERKINS. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman.

Mr. PERKINS. The gentleman has correctly stated the fact.

Mr. CRAMTON. I am fortunate in that I have an independent witness.

Mr. LEAVITT. The gentleman from California, who comes from that district, will make a statement with regard to the exact situation. We do not question that the gentleman from New Jersey got that information over the telephone, but we do question that those are the facts.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. Yes; I yield.

Mr. HOWARD of Oklahoma. I would like to ask the gentleman from California whether there is a school on this reservation for these children?

Mr. SWING. No; there is no school on the reservation for these children. The Indian children have to go to the town of San Jacinto, which is on the opposite side of the river, in order to get their schooling, and their schooling has been interrupted each winter during high water through their inability to ford the river.

Mr. CRAMTON. The statement of the gentleman from California is an admission that the State of California, or the county, is not willing to bear its share of the burden. If we provide for their schooling, the State of California ought to build its own bridges on roads outside of the reservation and roads that serve whites as well as Indians. I do not know just what kind of a road this is or where it goes, but my understanding is that it is not exclusively a road to reach the reservation, but is a road which serves other white communities.

Now this amount of \$11,000 is not so bad, but I think, as long as we are having difficulty in building all the roads and bridges on Indian reservations that are needed, that we ought not to start the policy of going outside a reservation and building those roads and bridges, and inasmuch as these Indians are citizens of California and their development and progress will add to the future of California, I think the State and this county ought to be delighted to build a bridge outside of the reservation that may be incidentally used by these Indians.

Mr. LEAVITT. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman and gentlemen of the committee, I beg your indulgence for further imposing upon your time. I can appreciate what the gentleman from Michigan has in mind in fearing the establishment of a precedent by going off of a reservation to build a bridge, and I think that such proposals should be scrutinized carefully, and I am willing to have this particular proposal carefully scrutinized.

Of course, there must have been some reason why the Indian Service, after carefully investigating this matter from last year to this year, would favor this proposition, and the reason is this: While a bridge can be built across the river on the reservation and thereby bring it within the precedents of which the gentleman from Michigan has approved in the past, yet to do so would cost \$60,000, while by going about 100 yards off of the end of the reservation there is a narrow place in the river where it is possible to build the bridge at a cost of only \$22,000, and I am sure that the gentleman from Michigan, under this particular and peculiar set of facts, will say that it does not establish a bad precedent but that it constitutes the use of common sense and good business judgment to save both the Federal Government and the local people the extra cost of the bridge.

Mr. CRAMTON. Will the gentleman yield?

Mr. SWING. Certainly.

Mr. CRAMTON. Of course, the statement I get is that it is half a mile, which statement they gave me after some examination of the files; but under the gentleman's statement, if the bridge was built on the edge of the reservation, the share of California, on a half-and-half basis, would be \$30,000, but by going up to this other point, half a mile or so from the reservation, they get out of it for \$22,000, even if we do not take any share in it, and I think they ought to be satisfied with that material saving.

Mr. SWING. The trouble is that the local community, which is merely the county—as a matter of fact, it is only one road

district—that feels at all inclined to pay, are unwilling to support a proposition under which each side would have to pay \$30,000, and it was through the investigation of the county engineer that this present proposal was evolved, which has been approved by the county, by the Indian Service, and by the Budget officer in charge of this particular kind of expenditure.

Mr. CRAMTON. Will the gentleman yield further?

Mr. SWING. Yes.

Mr. CRAMTON. Can the gentleman tell us where the road goes after it leaves the village and goes on to the Indian reservation?

Mr. SWING. That is as far as I have been, but I am told that beyond the reservation a road of some kind goes on up the canyon to a few white settlers. It goes primarily to the reservation. There are few people living beyond. I will say that there are some white settlements before you get to the reservation on the left-hand side, but the road and the bridge is primarily for the occupants of the 4,450 acres of Indian reservation.

Mr. CRAMTON. And it serves very materially those white developments above?

Mr. SWING. But for that the local interest would not feel justified in the expenditure of \$11,000. Certainly it does serve some purpose for the white people as well as the Indians, but it is primarily for the benefit of the Indians, and I see no possible objection that can come from putting the bridge where it can be built most safely for its maintenance and most cheaply for its original cost and thereby reduce the share which the Government usually would have to pay in a case of this kind.

Mr. CRAMTON. Will the gentleman yield further? I will grant the gentleman all the time he wants.

Mr. SWING. Certainly.

Mr. CRAMTON. I wonder what the attitude of California or of this county would be when it comes time, and perhaps is now, to build a road across the Indian reservation to connect up with this bridge and to let these white settlers get from their holdings across the Indian reservation to the bridge. When it comes time to build that road across the Indian reservation to serve very materially the whites above, is the State or the county prepared to pay one-half the cost of that highway? If they would make that agreement I think I would have no objection to our paying one-half the cost of the bridge outside.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CRAMTON. Mr. Chairman, I yield the gentleman 10 minutes.

Mr. SWING. If the gentleman will permit, the white settlers beyond the Indian reservation, to which he is referring, are very few in number, and I can not think of a time when the county would be interested in asking the Government to pave a way through the reservation for only a dozen settlers or so who are doing a little dry farming on a hillside.

Mr. CRAMTON. Are there not more than that? It is my understanding there are more whites above the reservation to be served by this bridge than there are Indians on the reservation.

Mr. SWING. If that is so, I do not know it. There are some people, as I have said, after you cross the bridge, that live on the turn to the left, whereas the turn to the right takes you almost immediately onto the Indian reservation.

I thank the gentleman for the time he has yielded to me and I yield back to him the remainder of the time.

Mr. LEAVITT. Mr. Chairman, I only wish to state that the committee gave this bill careful consideration and had in mind the fact that all these matters had been considered by the Indian Bureau and by the Budget. We have had evidence this afternoon that the Budget does not allow a favorable report on Indian bills with which it has any difference of opinion. But here we have a favorable report from these various sources, and there is the feeling on the part of the committee that it is not just to the Indians under these circumstances to quibble with regard to how this expense is to be met when we are not violating any principle that has not already been established, with one exception, and that is that in order to get a cheaper site for the bridge we go off the reservation about 100 yards. The county takes over the continual expense of maintaining the bridge.

The principal value of the bridge is to the Indians. They do not have access to the school, they do not have proper access to the hospital without this bridge, and we feel their needs are such that the bill should be passed as it has been reported by the committee.

Mr. HOWARD of Oklahoma. Will the gentleman yield to me?

Mr. LEAVITT. I yield to the gentleman five minutes.

Mr. HOWARD of Oklahoma. Mr. Chairman, I want to say that I supported this measure in committee for the reason that we find that there are 4,450 acres of land in this reservation, 32 Indian homes, hospitals, and so forth, thereon that are not taxable in the State of California. Then we find that these people in that sparsely settled country have themselves expended \$12,500, confining the river and making it narrower and safe so that it has reduced the cost of this bridge. Then we find again that these Indian children can not attend school as regularly as they ought unless provision is made so that they can get across the river. In view of these facts, and the fact that the land is nontaxable, that the settlers have expended their own funds on the river, we thought that it was nothing more than right for the Government to help build this bridge.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill.

Mr. CRAMTON. Mr. Chairman, I move to amend by striking out, on page 1, line 3, the words "of \$11,000," and insert in line 7, after the word "reservation," the words "and of a road across said reservation."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CRAMTON: On page 1, line 3, strike out the words "of \$11,000," and in line 7, after the word "reservation," insert the words "and of a road across said reservation."

Mr. CRAMTON. Mr. Chairman, with reference to that amendment, I would have preferred to move to strike out all after the enacting clause, for reasons that I have stated, but to do so would defeat the bill. If the bill is not improved as I suggest I will move to strike out all after the enacting clause; but desiring to go as far as possible along with the views of the gentleman from California the amendment I have suggested would provide that this bridge outside of the reservation up there in the county highway, and the road into the reservation across the Indian lands, both of which will serve not only the Indians but the white settlers, if the county will pay half of the cost of the road across the reservation as it is proposed, and half the cost of the bridge. I hope that the committee and the gentleman from California will accept it.

Mr. LEAVITT. Mr. Chairman, the committee has given no consideration to the amendment offered by the gentleman from Michigan, and I do not feel that the committee can accept the amendment. We do not know that such a road is necessary for the benefit of the Indians—such a road as is proposed in the amendment by the gentleman from Michigan. It may be that if we accepted the amendment we would be imposing on the Treasury of the United States half the cost of a road not necessary and requiring the State of California to spend money on a road not necessary. That it would cause a delay for another season, and perhaps indefinitely, in the construction of the bridge that is required for the health and the general well-being of the Indians, not only on that reservation but in the surrounding country.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. CRAMTON. My amendment does not stipulate what kind of a road it shall be; we are leaving that to the discretion of the Indian Service and the county. Certainly, if the people are to get to the bridge there ought to be some kind of a road to get them there.

Mr. LEAVITT. I understand there is a road sufficient for the Indians to reach the bridge—the bridge is the only problem here.

Mr. CRAMTON. But it is not an improved road—very crude. I do not believe that we should make an expenditure on the bridge, but if we are, then the county ought to be willing to come in and help build the road.

Mr. HASTINGS. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HASTINGS. What is the distance across the reservation?

Mr. SWING. The reservation consists of 4,450 acres, and the gentleman can judge something about it.

Mr. HASTINGS. Well, it might be a short distance or it might be a long distance. Is it a mile?

Mr. SWING. It is over a mile. The only thing presented to us is for this bridge, and it would seem to me that with the apparent lack of definite information as to this need for a road, it would be a mistake to write into the bill a provision that would prevent the construction of a bridge until there had been also constructed a road, which may not be even needed.

Mr. CRAMTON. Mr. Chairman, in view of the opposition of the committee and of the gentleman in charge of the bill to the olive branch extended, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. CRAMTON. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 5, noes 16.

So the amendment was rejected.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEEDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif., and had directed him to report the same back with the recommendation that it do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. CRAMTON. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The gentleman from Michigan demands the reading of the engrossed copy of the bill. Obviously that is impossible.

Mr. LEAVITT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEAVITT. Does that leave the bill in a position to be called up by the Committee on Indian Affairs at its next day, next week?

The SPEAKER. Yes; when the engrossed copy of the bill will be read.

OSAGE TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 16248) for the relief of the Osage Tribe of Indians, and for other purposes, on the Union Calendar, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up the bill H. R. 16248, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$52,469.75, collected on account of lease and other fees at Osage Indian Agency, Okla., and deposited in the Treasury of the United States as miscellaneous receipts in accordance with the requirements of the act of February 14, 1920 (41 Stat. 415, U. S. C., title 25, sec. 413), is hereby authorized to be appropriated from any money in the Treasury not otherwise appropriated and to be credited on the books of the Treasury Department to the Indian tribal fund entitled "Proceeds of oil and gas leases, royalties, etc., Osage Reservation, Okla.": *Provided*, That any additional sums which have been collected at Osage Agency on account of fees under the act referred to but not yet deposited as miscellaneous receipts, shall likewise be covered into the Treasury to the credit of the tribal fund named herein: *Provided further*, That fees collected hereafter under the said act of February 14, 1920, at any agency where the expenses of selling and leasing Indian lands, marketing the timber on such lands, etc., are paid from Indian tribal funds made available therefor by law, shall be deposited in the Treasury to the credit of such tribal funds instead of to the credit of miscellaneous receipts, and the said act is hereby amended accordingly.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TRESPASSING ON INDIAN LANDS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 13455) to authorize the collection of penalties and fees for stock trespassing on Indian lands, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 13455, on the Union Calendar, and asks unanimous

consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person owning or having in his charge or possession any horses, mules, cattle, goats, sheep, or swine, or any such animals, and who permits such stock to range and feed on any restricted lands belonging to any Indian or Indian tribe, or otherwise trespass thereon, without the consent of the superintendent or other officer in charge thereof, shall be liable to a penalty of \$1 for each animal of such stock, together with an amount equal to the annual grazing fee therefor in lieu of damages, and the cost of rounding up and caring for the animal and collecting the amount due.

SEC. 2. The superintendent in charge of any Indian or Indian tribe is authorized to seize and hold all stock found on lands under his jurisdiction in violation of the above provision, pending payment of the penalty authorized. Stock not claimed by the owner, after proper advertising, shall be disposed of and the funds derived therefrom handled and disposed of under such regulations as the Secretary of the Interior may prescribe: *Provided*, That any funds received from the sale of unclaimed stock in excess of the penalty prescribed shall be held in such manner that any person submitting proof of ownership of any such stock within a period of six months from the date of sale may receive such excess funds derived from the sale of his stock.

SEC. 3. Section 2117, Revised Statutes, is hereby repealed.

With the following committee amendment:

Page 2, line 15, after the word "stock," insert a colon and the words: "*Provided*, That this statute shall not apply to the lands of the Five Civilized Tribes and other Indian lands in the State of Oklahoma."

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

SCHOOL ATTENDANCE ON INDIAN RESERVATIONS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 15523) authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 15523, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior shall permit the agents and employees of any State to enter upon Indian tribal lands, reservations, or allotments therein for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or to enforce compulsory school attendance of Indian pupils, as provided by the law of the State.

With the following committee amendment:

Line 9, after the word "State," insert "under such rules, regulations, and conditions as the Secretary of the Interior may prescribe."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

REINVESTING TITLE TO CERTAIN LANDS, YANKTON SIOUX TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill S. 2792 on the House Calendar.

The SPEAKER. The gentleman calls up the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 2792) reinvesting title to certain lands in the Yankton Sioux Tribe of Indians

Be it enacted, etc., That all claim, right, title, and interest in and to certain lands on the Yankton Sioux Indian Reservation in the State of South Dakota, now reserved for agency, schools, and other purposes (embracing 1,000 acres, more or less), pursuant to the act of Congress dated August 15, 1894 (28 Stat. 286), be, and is hereby, reinvested in the Yankton Sioux Tribe of Indians subject to the continued use of such lands for agency, schools, and other purposes, until they are no

longer required for such purposes: *Provided, however*, That this act shall not be construed to make any such land available for allotment purposes.

Mr. CRAMTON. Mr. Speaker—

The SPEAKER. Does the gentleman from Montana yield to the gentleman from Michigan?

Mr. LEAVITT. I yield such time as the gentleman may desire.

Mr. CRAMTON. Mr. Speaker, I do not intend to take much time, but I do think the attention of the House ought to be called to what this bill does. Personally, I do not see any justification for this bill. It is opposed, as disclosed from the report and from the report of the department, apparently on good grounds. It is a bill to reinvest title in certain lands in the Yankton Sioux Tribe of Indians. There is no compensation to the Federal Government. There is no consideration for the reinvesting. There is no showing of any reason to justify it. Now the report of the department is as follows:

The land mentioned consists of approximately 800 acres and is a part of the area ceded and sold to the United States by the Yankton Tribe under the act of April 15, 1894 (28 Stat. 286-319), but reserved by this department August 27, 1894, for school and agency purposes.

We bought these lands from these Indians and then set them aside to be used for school and agency purposes for the benefit of these Indians, and the Government furnished the money to carry on the agency and the school. Now, a little further:

There are 40 buildings on the land used in connection with school and administrative activities, the land and buildings being valued at about \$50,000.

These buildings were constructed, I might say, at the expense of the Federal Government. They are going to be operated by the Federal Government, at the expense of the Federal Government, for the benefit of these Indians. Then, down farther:

The lands ceded and sold by the Indians to the United States, excepting that reserved for certain purposes, were immediately opened to homestead entry at \$3.75 per acre, which represented their value at that time.

I will say I am not concerned about the \$3.75 an acre paid these. I would not worry about the \$3.75 an acre; but the department says further:

However, it is not believed that a reconveyance is advisable. It would be a step backwards, in that it would necessarily limit the jurisdiction of the Federal Government over the reserved area and bring about some undesirable conditions that could not be readily controlled. For the reasons given, it is recommended that S. 2792 be not enacted into law. The Director of the Bureau of the Budget advises that the proposed legislation is in conflict with the financial program of the President.

Now I have so much confidence in the Committee on Indian Affairs that I do not understand how this bill got out of that committee. Here is what it does. It takes land which we bought from these Indians and paid for and which we have improved with buildings which we are using for the benefit of those Indians, and we are divesting ourselves of jurisdiction over certain lands where we still want to use the land for the benefit of those Indians. The Government says it limits jurisdiction and brings about a certain undesirable condition that could not be readily controlled. The introduction of the automobile and the building of good roads has increased greatly the difficulty of administering law and order on these reservations, and in little communities that are established about the agency, including trading posts, and so forth, they have enough trouble to guard against the establishment of bootlegging joints and other undesirable things around in the reservation.

We ought not to lessen the authority of the department over that area. We ought not to weaken their power to regulate the situation. There is no showing whatever that this results in any particular benefit to the Indians. There is nothing in the report of the committee, nothing in the report of the department, to indicate that the Indians are particularly benefited, because we still continue to operate our agency and other activities there. But we do not have the authority over the situation, if this bill becomes a law, that we have now.

I hope that this is one bill that the committee will not agree to.

Mr. LEAVITT. Mr. Speaker, I yield to the gentleman from South Dakota [Mr. CHRISTOPHERSON] 10 minutes.

The SPEAKER. The gentleman from South Dakota is recognized for 10 minutes.

Mr. CHRISTOPHERSON. Mr. Speaker, the gentleman from Michigan [Mr. CRAMTON] has made a very forceful and effective

argument, but the great part of it is wholly aside, to my mind, from the facts in regard to the measure. The Indians are asking for the return of this land to them when the Government ceases to use this land for school purposes. That is all there is involved in it. It is a question whether we will let these lands revert to the Indians when that time comes. Under the proposed law nothing is taken from the Government. This is only giving back to the Indians something we have taken from them in the past.

The argument that the gentleman from Michigan makes, that this will embarrass the administration of affairs down there, is not convincing. I can not see that it will in any way change the authority of the Government over this reservation in the east. This law does not become effective, if it passes, until the Government ceases the operation of its schools down there, and then the land reverts back to the Indians. Until that time the Government will have the full jurisdiction over these lands that it has now.

Mr. CRAMTON. The bill becomes effective as soon as it becomes a law, as soon as it is signed by the President, because it says, "Is hereby reinvested in the Yankton Sioux Tribe of Indians, subject to the continued use of such lands for agency, schools, and other purposes." That is giving to the Government, after this becomes a law, a less control than it has now.

If it is agreeable to the gentleman, I would suggest an amendment, which would accomplish what the gentleman from South Dakota is working for, and that amendment is to strike out lines 10, 11, and 12, and change them so that the bill will read this way:

Be, and is hereby, reinvested in the Yankton Sioux Tribe of Indians when they are no longer required for agency, school, or other purposes.

To that I will have no objection.

Mr. CHRISTOPHERSON. I have no objection to that. It is not my intention in this bill to deprive the Government of any supervision or regulation over this land while the Government continues to occupy the same.

Mr. CRAMTON. That will accomplish what is desired.

Mr. CHRISTOPHERSON. I have no objection.

Mr. LEAVITT. Mr. Speaker, the entire purpose of the bill will not be changed, so far as the Committee on Indian Affairs is informed, by accepting that amendment. The delegation of Indians who appeared before the committee presented their desire that whenever these lands ceased to be needed for the purposes they are used for they should be passed back to the custody of the tribe for a community center. That is what they want. Until the Government is through with this land the Government shall be the owner of it. The proposed amendment would not change the character of the bill materially at all.

Mr. HASTINGS. Mr. Speaker, I would like to have some time.

Mr. LEAVITT. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Oklahoma is recognized for five minutes.

Mr. HASTINGS. Mr. Speaker, the reason why I am taking the floor is to bring to the attention of the House that part of the report which is very illuminating, found in the last two lines, which says:

The Director of the Bureau of the Budget advises that the proposed legislation is in conflict with the financial program of the President.

If I had my way about it, whenever such a report as that came to the committee, by direction of the committee I would return it, because it gives no information. It does not show the proper respect for the committee. It does not give any reasons why the Bureau of the Budget opposes it. It does not give any reasons as to why it is against the financial program of the President. In fact, there is no information in it at all.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Certainly.

Mr. LEAVITT. In this case, of course, the gentleman will recognize that the committee did not accept that as a reason for not reporting the bill favorably.

Mr. HASTINGS. I am glad the committee did not. I rose to call the attention of the House—and I hope it will go beyond the House to the country—to the fact that that last clause found in the report conveys no information whatever. If the Bureau of the Budget wants to influence the committee, it should impart the facts upon which an adverse report is made for the benefit of the committee.

Mr. HOWARD of Oklahoma. Can the gentleman site any such remark or report by the Budget Bureau upon any other bill as to the reason?

Mr. HASTINGS. Yes. That is why I rise now. I want to call the attention of the House to this criticism not relating alone to this particular bill but similar language is used in many reports on other bills. I trust that hereafter committees

receiving that kind of a statement in a report will return it for more definite information.

Mr. ARENTZ. The gentleman has in mind that there should be a different wording in the report of the Budget officer as to a bill containing an appropriation and a bill not containing an appropriation?

Mr. HASTINGS. Yes. I think the Budget Bureau, in making an adverse report on a bill, should give its reasons why.

Mr. ARENTZ. But if the bill contains no appropriation and has nothing to do with the expenditure of money, it certainly has not anything to do with the Budget, and if the Budget expresses an opinion upon such a piece of legislation it is merely expressing a policy that should under no circumstances come from the Budget. That is the point I had in mind.

Mr. HASTINGS. I heartily agree with the gentleman. No appropriation is carried here. [Applause.]

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

Amendment offered by Mr. CRAMTON: On page 1, strike out lines 10, 11, and 12, down to and including the word "purposes" and insert in lieu thereof the following: "When they are no longer required for agency, school, and other purposes."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

RAYBURN, OF TEXAS

Mr. McDUFFIE. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. McDUFFIE. Mr. Speaker and gentlemen of the House, I am not one of those who believes that every magazine article, however much it strikes our fancy, should be printed in the CONGRESSIONAL RECORD, and rarely do I ask permission to print.

It was my privilege, however, to read a few days ago an article in a new magazine, Bunker's Monthly, the Magazine of Texas, published in the city of Fort Worth, a most interesting article entitled "RAYBURN, of Texas." This article was written by Dr. Walter Splawn, a former president of the University of Texas, and a transportation expert of nation-wide reputation. It refers especially to the services of our distinguished colleague of Texas [Mr. RAYBURN], who has served on the Interstate and Foreign Commerce Committee for many years, and with great distinction. The Committee on Interstate and Foreign Commerce has amongst its membership very able men, both Republicans and Democrats, but none of them has performed more constructive service than Mr. RAYBURN.

I am sure the Membership of the House appreciate and concur in the high estimate that Doctor Splawn places upon the service Congressman RAYBURN has rendered to his State and his country. I feel that this recognition by so eminent an authority of public service of our colleague should be a part of the permanent records of the Congress. Therefore, Mr. Speaker, I ask unanimous consent to extend my remarks by printing this article in the CONGRESSIONAL RECORD. [Applause.]

The matter referred to is as follows:

RAYBURN, OF TEXAS—AN ESTIMATE OF THE WORK OF THE RANKING MEMBER OF THE HOUSE COMMITTEE ON INTERSTATE COMMERCE

By Walter Splawn, transportation economist and former president of the University of Texas

In making a study of transportation problems one finds the record of hearings of the Senate Committee on Interstate Commerce and of the House Committee on Interstate and Foreign Commerce to be indispensable. If one attends the hearings of these committees one is impressed by the difference between the methods of the Senate and of the House. Only on exceptional occasions are all members of the Senate committee in attendance. Quite frequently not more than half a dozen—perhaps only 2 or 3 members—out of a total of 19 are present. On the other hand, it is very exceptional not to find a majority of the House committee present at any one of its meetings. In fact, the House Committee on Interstate and Foreign Commerce has an exceptional record for devotion to its work. It is quite common to find every member of the committee not only present but alert and taking an active and intelligent interest in the proceedings. This committee has made an enviable reputation for assiduity, thoroughness, fairness, and devotion to the public interest.

The House Committee on Interstate and Foreign Commerce has jurisdiction over bills pertaining to the public health; aids to navigation, such as establishing and maintaining lighthouses; guarding the coast, being the work formerly included under the divisions of safety and

revenue cutters; bridges over navigable streams; the Panama Canal; the barges, such as the *Black Warrior*; telephone and telegraph; and now they are confronted with demand for regulation of busses and motor trucks engaged in interstate commerce. From this list of important subjects of legislation one is able to see how the work of the committee again and again touches the lives and affects the well-being of every man, woman, and child in the entire United States. The questions considered are so varied and frequently so complicated that they may be competently handled only by men who have served for years and who have had time to master these important and rather difficult fields of legislation. In selecting members of this committee the House ordinarily picks men from districts with a reputation for returning their Members indefinitely. A district fortunate enough to secure a place on this committee usually wins a preeminence and leadership in the House that is really enviable. Again and again this committee furnishes the country with eminent and trusted leaders. Such men are developed through years of application to the weighty questions presented to the committee in grappling with problems that are continually arising in this active and progressive Nation.

It should be a source of pride to every Texan that the ranking Democrat on the House Committee on Interstate and Foreign Commerce is a member of the Texas delegation. Hon. SAM RAYBURN, of Bonham, Tex., entered Congress in 1913 and at the special session called by President Wilson he was, on June 3 of that year, appointed a member of this powerful committee. During 15 years he has sat in the councils of a committee that has dealt with the most perplexing and most important questions of transportation that have ever been presented to the American Congress.

During the first six years of the Wilson administration the Democrats were in power, and as a member of the majority of the committee he helped to shape legislation which made the interstate act to regulate commerce a more workable law, and he helped to fashion the measure under which the railroads were made to serve the greatest interests of the Nation during the trying years of the World War.

During the war this committee had jurisdiction over bills concerning war risks, soldiers' compensation, and insurance. The Wilson administration earned the gratitude of the country for the enlightened manner in which these questions were met.

SAM RAYBURN handled that body of legislation on the floor of the House. He was the author of an amendment which made the initial carrier liable to the shipper for the safe transport of goods through to destination, though lines in other States and jurisdiction might participate in the movement. This relieved the shipper from the burden of locating just which railroad had damaged his goods, and prevented a game of hide and seek among railroads engaged in a joint haul of goods which happened to suffer damage in transit. RAYBURN was a member of the subcommittee which drew the statute creating the Federal Trade Commission.

Texas was a pioneer in regulating the issuing of stocks and bonds by railroads. RAYBURN, before being sent to Congress, had been a speaker of the Texas House of Representatives. He was familiar with the benefits of the Texas law regulating railway securities. Before the war he passed through the House a bill similar to the Texas statute. It was defeated in the Senate. In 1920 the Rayburn bill was accepted, and practically without change it was written into the transportation act of 1920 and is now a Federal law. Under the leadership of Reagan and Hogg, Texas regulated railway securities. Under the leadership of RAYBURN, of Texas, the Federal Government adopted the Texas policy.

Since the war, though the Republicans have been in the majority on the committee, Mr. RAYBURN's work has been of such high order that he has won nation-wide recognition. In recent years much of his time has been taken up with preventing undesirable legislation. Year after year he has patiently gone through thousands of pages of testimony, has listened to witnesses representing every interest, and has carefully brought to light in each case the distinction between the public interest and the selfish interest of some group.

American civilization is dependent upon transportation facilities. Without the railroads vast stretches of our country could not have been settled. Without the railroads our commerce, industries, mining, and agriculture could not have developed as we know them to-day. America boasts of the best railroad transportation system in the world, and the American Government is leading the world in the regulation of privately owned and operated railroads. The fairness and justice with which these roads are regulated and with which they serve the public is largely dependent upon the temper of congressional action. The people of Texas may well rejoice that a son of our State should be a leader in determining governmental policies with reference to transportation, and that he has worked with such wisdom that even those who may not agree with him concede his fairness, his ability, his devotion to the public interest, and his courage.

Mr. RAYBURN is now ranking Democrat on the committee, having reached that eminence during the Sixty-ninth Congress. If the Democrats control the next House of Representatives, he will be the chairman of the committee. That will mean that Texas will have one of the most important chairmanships in the entire Congress.

Texas has been active in the field of railway legislation and regulation. It was Senator Reagan who was a pioneer of the act to regulate commerce. It was he who had the patriotism to resign a seat in the United States Senate in order to set up the work of the Texas Railroad Commission. On the Texas Railroad Commission the late Allison Mayfield served many years with great distinction, and by reason of his long tenure and unusual fairness and capacity won a national reputation and brought great prestige to the Texas commission. The mantle of Reagan and Allison Mayfield has fallen upon SAM RAYBURN, who is the ranking Democrat on the House Committee on Interstate and Foreign Commerce, and who through his services is bringing to Texas the same high order of recognition that was first won in earlier years by John H. Reagan and Allison Mayfield.

NIORARA ISLAND

Mr. LEAVITT. Mr. Speaker, I call up Senate bill 4979, to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska.

The SPEAKER. The gentleman from Montana calls up a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the United States is hereby granted to the city of Niobrara, Nebr., to transfer to the State of Nebraska all the rights, title, and interest of such city in and to Niobrara Island, an island in the Niobrara River, if the State of Nebraska, before the expiration of five years from the date of the enactment of this act, formerly accepts such island subject to the same conditions (except the condition as to time of acceptance) as are imposed by section 21 of the act entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, in respect of the donation to the city of Niobrara of such island.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

OSAGE INDIANS IN OKLAHOMA

Mr. LEAVITT. Mr. Speaker, I call up Senate bill 2360, to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

The SPEAKER. The gentleman from Montana calls up a Senate bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the Act of Congress approved March 3, 1921 (41 Stat. L. 1249), entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," be amended by adding after the last line of said section 1 the following:

"Provided further, That the Secretary of the Interior may reduce the area to be offered annually hereunder, or suspend the offer of leases for not exceeding two years at any one time when, in his opinion, an overproduction of oil, or inadequate prices therefor, make such extension or suspension desirable in the interests of the Osage Nation, the entire unleased area, however, to be offered for lease not later than April 8, 1936."

With the following committee amendment:

Page 1, beginning in line 3, strike out all of lines 3 to 7, and all of lines 1 to 8, inclusive, on page 2, and insert in lieu thereof the following:

"That section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), relating to the Osage Indians of Oklahoma, be, and the same is hereby, amended to read as follows:

"That all that part of the act of June 28, 1906 (34 Stat. L. 539), entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,' which reserves to the Osage Tribe the oil, gas, coal, or other minerals, covered by the lands for the selection and division of which provision is made in that act is hereby amended so that the oil, gas, coal, or other minerals, covered by said lands are reserved to the Osage Tribe, until the 8th day of April, 1958, and as long thereafter as oil, or gas, or other minerals are found in paying quantities, and all royalties and bonuses arising therefrom shall belong to the Osage Tribe of Indians, and shall be disbursed to members of the Osage Tribe or their heirs or assigns as now provided by law, after reserving such amounts as are now or may hereafter be authorized by Congress for specific purposes, and the lands, moneys, and other properties now held in trust or under the supervision of the United States for the Osage Tribe of Indians, the members thereof, or their heirs and assigns shall continue subject to such trust and supervision until January 1, 1959, unless otherwise provided by

act of Congress. The Secretary of the Interior and the Osage tribal council are hereby authorized and directed to offer for lease for oil, gas, and other mining purposes any unleased portion of said land in such quantities and at such times as may be deemed for the best interest of the Osage Tribe of Indians: *Provided*, That not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year: *Provided further*, That as to all lands hereafter leased, the regulations governing same and the leases issued thereon shall contain appropriate provisions for the conservation of the natural gas for its economic use, to the end that the highest percentage of ultimate recovery of both oil and gas may be secured: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease for oil or gas or other minerals.

"Homestead allotments shall remain exempt from taxation while the title remains in the allottee or in his unallotted heirs or devisees of one-half degree or more of Osage Indian blood until January 1, 1959: *Provided*, That the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres.

"Sec. 2. That section 2 of the act of March 3, 1921 (41 Stat. L. 1249), entitled 'An act to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,"' be, and the same is hereby, amended to read as follows:

"The bona fide owner, lessee, or occupant of the surface of lands in the Osage Nation in Oklahoma shall be compensated, as his interest may appear, and under rules and regulations to be prescribed by the Secretary of the Interior for damages to crops and improvements occasioned by the oil or gas lessees, their servants, or agents in going upon such premises and in carrying on oil or gas mining operations. Such surface owner, lessee, or occupant shall also be compensated, as his interest may appear, and under rules and regulations to be prescribed by the Secretary of the Interior, for such other damages, including those arising out of pollution of ponds or streams and out of injuries to the surface of lands, as are caused by the negligence of the oil or gas lessees, their servants, or agents in developing or operating oil or gas properties in said Osage Nation. The word "negligence" as used in this act shall mean "negligence" as defined and construed by the courts of the State of Oklahoma. All claims for damages arising under this section shall be settled by arbitration; but either party shall have the right to appeal to the courts, without consent of the Secretary of the Interior, in the event he is dissatisfied with the award to or against him. The award shall be in writing and shall be filed in the office of the superintendent of the Osage Indian Agency within 10 days after it is made, and thereupon the said superintendent shall give the parties written notice thereof by personal service or registered mail. Unless appealed from within 60 days after service or mailing of said notice, the award shall become final. The appeal herein authorized shall consist of filing an original action in any court of competent jurisdiction sitting at the county seat of Osage County, to enlarge, modify, or set aside the award; and in any such action, upon demand of either party, the issues both of law and of fact shall be tried de novo. Arbitration or a bona fide offer in writing to arbitrate shall constitute conditions precedent to the right to sue for such damages."

"Sec. 3. That section 1 of the act of Congress of February 27, 1925 (43 Stat. L. 1008), is hereby amended by adding thereto the following:

"The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency, to pay all or any part of the funds held in trust for such Indian: *Provided*, That the Secretary of the Interior shall, within one year after this act is approved, pay to each enrolled Indian of less than half Osage blood, one-fifth part of his or her proportionate trust-fund credit. And such Secretary shall on or before the expiration of 10 years from the date of the approval of this act, advance and pay over to such Osage Indian of less than one-half Osage Indian blood, all of the balance appearing to his credit in the Osage tribal trust fund and shall issue to such Indian a certificate of competency: *Provided further*, That when and where any Osage Indian of less than half Osage Indian blood shall owe debts and obligations for necessities of life, then and in that event the Secretary of the Interior is hereby directed to retain from and not pay out to such Osage Indian debtor 25 per cent of his quarterly dues, to be by the Secretary of the Interior paid in installments upon the now existing claims against such Indian for necessities of life, such as medicines, doctor bills, food, clothing, dry goods, and for implements and other materials required in the operation of the Indian's farm lands, against which claims the statute of limitations of Oklahoma has not run. But no money shall be retained out of the quarterly allowances due such Osage Indians, by the Secretary of the Interior for any other purpose, without the consent and approval of such Indians. The Secretary of the Interior shall determine such rules and regulations for the payment of said retained moneys of said Osage Indians, upon such meritorious claims for necessities of life against which claims the statute of limitations of Oklahoma has

not run. But the provisions herein made for payment of debts shall only apply to present existing meritorious claims against which the statute of limitations of Oklahoma has not run: *Provided further*, That the Secretary of the Interior shall by or before the end of five years from the date of the approval of this act, pay to each restricted Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma, and who is at the date of approval of this act more than 25 years of age, the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indian: *Provided further*, That the Secretary of the Interior shall, in his discretion, pay any present existing meritorious debts and obligations of any restricted Osage Indian, against which debts and claims the statute of limitations of Oklahoma has not run, out of any moneys appearing to the credit of such Osage Indian in the tribal trust fund: *And provided further*, That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian at any time."

"Sec. 4. That section 2 of the act of Congress approved February 27, 1925 (43 Stat. L. 1011), being an act to amend the act of Congress of March 3, 1921 (41 Stat. L. 1249), be, and the same is hereby, amended to read as follows:

"Upon the death of an Osage Indian of one-half or more Indian blood who does not have a certificate of competency, his or her moneys and funds and other property accrued and accruing to his or her credit and which have heretofore been subject to supervision as provided by law shall be paid to the administrator or executor of the estate of such deceased Indian or direct to his heirs or devisees, in the discretion of the Secretary of the Interior, under regulations to be promulgated by him: *Provided*, That the Secretary of the Interior shall pay to administrators and executors of the estates of such deceased Osage Indians a sufficient amount of money out of such estates to pay all lawful indebtedness and costs and expenses of administration when approved by him; and, out of the shares belonging to heirs or devisees, above referred to, he shall pay the costs and expenses of such heirs or devisees, including attorney fees, when approved by him, in the determination of heirs or contest of wills. Upon the death of any Osage Indian of less than one-half degree of Osage Indian blood or upon the death of an Osage Indian who has a certificate of competency, his moneys and funds and other property accrued and accruing to his credit shall be paid and delivered to the administrator or executor of his estate to be administered upon according to the laws of the State of Oklahoma: *Provided*, That upon the settlement of such estate any funds or property subject to the control or supervision of the Secretary of the Interior on the date of the approval of this act, which have been inherited by or devised to any adult or minor heir or devisee of one-half or more Osage Indian blood who does not have a certificate of competency, and which have been paid or delivered by the Secretary of the Interior to the administrator or executor shall be paid or delivered by such administrator or executor to the Secretary of the Interior for the benefit of such Indian and shall be subject to the supervision of the Secretary as provided by law."

"Sec. 5. The restrictions concerning lands and funds of allotted Osage Indians, as provided in this act and all prior acts now in force, shall apply only to unallotted Osage Indians of one-half or more Osage Indian blood born since July 1, 1907, or after the passage of this act, and to their heirs of one-half or more Osage Indian blood, except that the provisions of section 6 of the act of Congress approved February 27, 1925, with reference to the validity of contracts for debt, shall not apply to any allotted or unallotted Osage Indian of less than one-half degree Indian blood: *Provided*, That the Osage lands and funds and any other property which has heretofore or which may hereafter be held in trust or under supervision of the United States for such Osage Indians of less than one-half degree Indian blood not having a certificate of competency shall not be subject to forced sale to satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion, to grant a certificate of competency to any unallotted Osage Indian when in the judgment of the said Secretary such member is fully competent and capable of transacting his or her own affairs."

"Sec. 6. The first provision of section 1 of the act of February 27, 1925 (43 Stat. L. 1008), entitled 'An act to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,"' is hereby amended to read as follows:

"That the Secretary of the Interior shall cause to be paid at the end of each fiscal quarter to each adult member of the Osage Tribe of Indians in Oklahoma having a certificate of competency his or her pro rata share, either as a member of the tribe or heir or devisee of a deceased member, of the interest on trust funds, the bonus received from the sale of oil or gas leases, the royalties therefrom, and any other moneys due such Indian received during each fiscal quarter, including all moneys received prior to the passage of this act and remaining unpaid; and so long as the accumulated income is sufficient the Secretary of the Interior shall cause to be paid to the adult members of

said tribe not having a certificate of competency \$1,500 quarterly, except where such adult members have legal guardians, in which case the amounts provided for herein may be paid to the legal guardian or direct to such Indian, in the discretion of the Secretary of the Interior; the total amounts of such payments, however, shall not exceed \$1,500 quarterly, except as hereinafter provided; and shall cause to be paid for the maintenance and education, to either one of the parents or legal guardians actually having personally in charge, enrolled or unenrolled, minor member under 21 years of age and above 18 years of age, \$1,500 quarterly out of the income of each of said minors, and out of the income of minors under 18 years of age \$750 quarterly, and so long as the accumulated income of the parent or parents of a minor who has no income or whose income is less than \$750 per quarter is sufficient shall cause to be paid to either of said parents having the care and custody of such minor \$750 quarterly, or such proportion thereof as the income of such minor may be less than \$750, in addition to the allowances above provided for such parents. Rentals due such adult members from their lands and their minor children's lands and all income from such adults' investments shall be paid to them in addition to the allowance above provided. All payments to legal guardians of Osage Indians shall be expended subject to the joint approval in writing of the court and the superintendent of the Osage Agency. All payments to adults not having certificates of competency, including amounts paid for each minor, shall in case the Secretary of the Interior finds that such adults are wasting or squandering said income be subject to the supervision of the superintendent of the Osage Agency.

"SEC. 7. That section 9 of the act of Congress approved June 28, 1906 (34 Stat. L. 539), be, and the same is hereby, amended to read as follows:

"That there shall be a quadrennial election of officers of the Osage Tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, to succeed the officers elected in the year 1926, said officers to be elected at a general election to be held in the town of Pawhuska, Okla., on the first Monday in June, 1928, and on the first Monday in June each four years thereafter, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of four years commencing on the 1st day of July following said elections, and in case of vacancy in the office of principal chief by death, resignation, or otherwise, the vacancies of the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined, after the party involved has had due notice and opportunity to appear and defend himself, and said tribal government so constituted shall continue in full force and effect to January 1, 1959."

Mr. CRAMTON. Mr. Speaker, before the bill is taken up for amendment I would be glad to have a little time on the bill in a general way, if I can get recognition or if the gentleman from Montana will yield me some time.

Mr. LEAVITT. Mr. Speaker, I will be glad to yield the gentleman such time as he desires.

Mr. HASTINGS. Mr. Speaker, is this bill being considered in the House?

The SPEAKER. It is a House Calendar bill.

Mr. HASTINGS. Under the rules, is the time in the control of the gentleman from Montana?

Mr. CRAMTON. The first hour is. Mr. Speaker and gentlemen of the House, we have now reached a bill of great importance, affecting the welfare, financially and otherwise, of the Osage Indians in Oklahoma, probably the wealthiest Indians in the country.

Their lands have never been allotted so far as the mineral rights are concerned, with the result that upon the development of great quantities of oil upon the lands they have become extremely wealthy as a tribe, the oil receipts being apportioned among the members of the tribe.

The Indians of the country, let me say for the information of those who are perhaps not familiar with Indian matters, are divided into two classes—those who are restricted and those who are not restricted. That is one classification, and it is one of much importance to consider in connection with this bill. The restricted Indians are wards of the Government. We have charge of their financial and property affairs. They can not sell their lands without the consent of the Government. We have control of their affairs, and that control is based upon the theory that they are not competent to properly manage their own affairs.

Now, occasionally the cry goes up that there is bureaucratic control of these poor Indians; that they are held in bondage; and that we ought to turn them loose. Occasionally, some very well-meaning people subscribe to that theory. The Hon. Franklin K. Lane, a splendid gentleman and a great Secretary of the Interior, was prevailed upon to go quite a way in removing restrictions on Indians, with the result that those Indians, as

soon as they were given the right to sell their lands, did sell them and wasted the receipts and then were paupers. Now, strictly speaking, when they have reached that state the responsibility of the Federal Government has ceased, and it ought to be up to the State to take care of those paupers just as they would take care of any white paupers.

It has always been my theory that the desire of the American people is to go a long way in caring for Indians, even if those restrictions have been removed and they have thereafter become pauperized.

If any such theory as that is entertained, of course, not only out of regard for the welfare of the Indians, but out of regard for the welfare of the Treasury, we ought to be rather cautious about removing restrictions unless they are competent.

I have no criticism of the immediate purpose of the bill. The immediate purpose is set forth in the first section of the committee amendment on pages 2 and 3; that is to say, to extend the control of the Government over these minerals to 1958. There are, however, some things embodied in the bill that surprise me very much, that I think are dangerous, and that this committee ought not to approve.

I have some minor amendments to suggest at different parts of the bill, but at this time I am not going to take time to discuss them. I do want to discuss section 3 of the committee amendment on page 6, which provides that "The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency"—that is to say, his restriction has not been removed—"to pay all or any part of the funds held in trust for such Indian"—that is to say, certain Indians who have large amounts of money to their credit will not be permitted to sell their land because we hold they are not competent, but we do propose to let the Secretary of the Interior turn all their money over to them without reserve.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SPROUL of Kansas. Is it not the fact that the law mentioned in the first part of section 3 is the present law, and has been for a number of years?

Mr. CRAMTON. Well, that may be true as to this particular provision, but the law is before us and it is a very good time to change it, in my judgment.

I am just going on from that to a provision that is not in the present law and that I think is very undesirable:

Provided further, That when and where any Osage Indian of less than half Osage Indian blood shall owe debts and obligations for necessities of life, then and in that event the Secretary of the Interior is hereby directed to retain from and not pay out to such Osage Indian debtor 25 per cent of his quarterly dues, to be by the Secretary of the Interior paid in installments upon the now existing claims against such Indian for necessities of life, such as medicines, doctor bills, food, clothing, dry goods, and for implements and other materials required in the operation of the Indian's farm lands, against which claims the statute of limitations of Oklahoma has not run.

I am reading it as the committee proposes to amend it.

But no money shall be retained out of the quarterly allowances due such Osage Indians, by the Secretary of the Interior for any other purpose, without the consent and approval of such Indians.

Then it goes on to say:

And provided further, That said 25 per cent of payments due said Osage Indians of less than half Indian blood, shall not be retained unless and until claims for the aforesaid necessities of life have been presented to, investigated, and approved by the superintendent of the Osage Agency.

That is to say, here are some Indians who are to be held competent to spend their money and the money is to be turned over to them, some of them not restricted even as to the sale of their lands, and having less than one-half of Indian blood, but we are going to set up in the Interior Department a collection agency as against these Indians. These Indians are scattered all over the country. They are not all in Oklahoma. There may be one somewhere in Idaho. We have got to get in touch with that Indian and say, "Here is a doctor bill rendered against you. Under the law we hold you are competent to incur a debt, you are competent to take your money, amounting to several thousand dollars a year, and spend it as you want, but this doctor bill has got to be paid, if it is just," and we put on the superintendent of the Osage Agency, down in Oklahoma, the responsibility of reaching up into Idaho and asking that Indian what he thinks about this doctor bill that has been filed or this bill for food or dry goods, or whatever it may be.

We propose to put on that superintendent in Oklahoma the burden and the expense of adjusting these claims against these Indians.

In my judgment, this bill is not properly on the House Calendar. I think it ought to have been on the Union Calendar, because it does involve a necessary charge upon the Federal Government with respect to the settlement of these claims.

Now, the Indians naturally are not keen about this amendment and this provision that the committee has adopted.

I am just trying to go through this a little hurriedly in order to bring these things to the attention of the House. These matters that I am speaking of are not essential to the main purpose of the bill. That would be accomplished if section 1 was put through, granting the extension. These are things that are not necessary to accomplish that purpose.

Let me show you something on page 7, and I am not sure just how much of this is old law and how much is new. My time has not permitted me to make the further comparison I would like, but I understand that this provision on page 7 that I am about to read, the proviso beginning on line 15, is not in accordance with present law. The proviso reads:

Provided further, That the Secretary of the Interior shall, by or before the end of five years from the date of the approval of this act, pay to each restricted Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma, and who is at the date of approval of this act more than 25 years of age, the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indian.

That is to say, having provided in section 1 that these Indians are lacking in competency for handling their own affairs, hence we are going to extend the restriction period to 1958 or 1959; but notwithstanding that lack of competency, the Secretary of the Interior shall within five years turn over this great cash capital to them, which is worth more than any lands they have.

Mr. LEAVITT. I understood the gentleman to use the word "competent" in the bill where it reads "incompetent."

Mr. CRAMTON. The word "incompetent" in line 19 does not have to do with the question of competency as applied to the Indians under the Federal law, but incompetency there is under the State laws of Oklahoma, whether the Indian is insane or feeble-minded.

Mr. LEAVITT. I understood the gentleman to use the word "competent."

Mr. CRAMTON. I thank the gentleman. We hold his rights may be restricted for the next 30 years.

Mr. SPROUL of Kansas. I think the gentleman must be mistaken.

Mr. CRAMTON. Very possibly; I am willing to be corrected.

Mr. SPROUL of Kansas. The purpose is to extend the period of communal or tribal interest in the mineral rights.

Mr. CRAMTON. How about the individual Indian restrictions?

Mr. SPROUL of Kansas. There is none; except perhaps—

Mr. CRAMTON. What does line 18 mean when it says: "pay to each restricted Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma"?

Mr. SPROUL of Kansas. He is restricted for a period of 10 years. The bill provides that less than a half blood are to be emancipated completely within the period of 10 years.

Mr. CRAMTON. I confess I have not had the time to make a thorough and complete study of the subject. I have taken the floor to point these things out. If I am right I hope the bill will be corrected; if I am wrong I wish to be corrected. Under the statement of the gentleman from Kansas it appears that we hold their restriction for 10 years and within five years—on or before, it may possibly be next year—we turn all their cash over to them. That seems to me to be not consistent.

Mr. SPROUL of Kansas. I do not think the gentleman understands.

Mr. CRAMTON. The bill says:

The Secretary of the Interior shall by or before the end of five years pay to each restricted Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma—

And so forth—

the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indian.

Mr. HOWARD of Oklahoma. Will the gentleman yield to me?

Mr. CRAMTON. I yield.

Mr. HOWARD of Oklahoma. Referring to the matter of restriction, at the Osage Agency they are held to be Indians who have not been issued certificates of competency by the Secretary of the Interior. The Indians referred to are less than

one-half Indian blood, and there are not quite 100 of them. These are young Indians which range from one-sixty-fourth degree of blood up to not quite one-half Indian blood. Practically every one of them is a graduate from our largest colleges. Several of them have graduated from colleges in Vermont and New Hampshire, and some of them have graduated from Yale and Harvard and Oklahoma University. As a matter of fact, they are as competent as you or I, except their certificates of competency have not been issued.

Mr. CRAMTON. Will the gentleman state what is the effect of the failure to issue a certificate of competency, as far as paying taxes is concerned and so far as their authority to do business?

Mr. HOWARD of Oklahoma. The effect, as far as doing business is concerned, is that they can not do any business in their own name. They are issued a thousand dollars every three months, and their homesteads are tax exempt.

What we are seeking to do is this: There is a continual effort to get the restrictions removed on these less than half bloods. From time to time they have been removed and will continue to be removed. We are seeking to pay them only one-fifth of their money at this time and continue for 10 years before we turn them loose.

Mr. CRAMTON. What does the gentleman say to this language:

The Secretary shall, on or before the end of five years from the date of this act, pay to each of such Indians the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indians.

There is no deferring that for 10 years.

Mr. SPROUL of Kansas. That is for the Indians of more than 25 years of age.

Mr. HOWARD of Oklahoma. The provision means that if they are more than 25 years of age it is the intention to within 5 years pay them off, but if they are under 25 years then to take 10 years.

Mr. CRAMTON. Here is my position, and I am challenging the attention of the committee to this, because I have great confidence in what the committee wants to do. Either those Indians are competent to handle their business affairs or they are not. When we come to the point where we can declare that they are competent to handle their business affairs and turn the money over to them and give them a certificate of competency, we should do so, but we ought not to say that they are not to have that certificate of competency for 10 years but that their whole capital may be turned over to them to be used as they like to-morrow.

Mr. HOWARD of Oklahoma. Our intention in this bill is to pay them as we suggest and to try, as we turn their money over to them, to give them a chance for a business training and not permit them to have all of their money at once, and perhaps get rid of it, which has been the case.

Mr. CRAMTON. There is no restriction here to gradual payment. It is said that experience is a dear teacher. You require the Secretary to turn all their cash capital over to them to-morrow or before five years, and if they waste it they may get a business training, but it will be expensive.

Mr. HOWARD of Oklahoma. If the gentleman will refer back to page 6, line 9, he will find the following language:

Provided, That the Secretary of the Interior shall, within one year after this act is approved, pay to each enrolled Indian of less than half Osage blood, one-fifth part of his or her proportionate trust-fund credit. And such Secretary shall on or before the expiration of 10 years from the date of the approval of this act, advance and pay over to such Osage Indian of less than one-half Osage Indian blood, all of the balance appearing to his credit in the Osage tribal trust fund and shall issue to such Indian a certificate of competency.

We are seeking by that provision to emancipate those Indians that are, as I say, running from one sixty-fourth blood up to almost half blood; Indians that are graduates of our colleges and schools, and except for the way in which we have been handling them and their business they would have been more capable of handling their business than they now are.

Mr. CRAMTON. I do not want to get away from the point that I am making, and I shall try to make that point now. I feel that with such an important bill it would be helpful if the committee would take this back and check over these provisions that are either obscure or contradictory. I gave this some study; not as much as I would like, I am frank to admit, and I was not able in the time I had to untangle this proposition. The gentleman from Oklahoma has just referred to the language on page 6 which provides that the Secretary shall within one year pay to each enrolled Indian of less than half Osage blood, one-fifth part and within 10 years advance all of his balance. That is one provision. I was not sure when I read that, when it said "To each enrolled Indian," whether that was

intended to refer to those restricted or unrestricted, or to just limit it to one class. I was not sure what was covered by that. Set over against that definite provision of the annual payment of one-tenth of their capital for the next 10 years to those less than half-blood, this provision on the next page that requires the Secretary within five years to pay to each restricted Osage Indian all his capital. Those provisions are in conflict, unless the one on page 7 refers to restricted Indians of a certain age, and the one on page 6 refers to those not restricted. If so, the provisions would not be in conflict, but it is hard to be sure of that from the language. In connection with it there is one other provision. I think the committee ought to study out the different angles of this and round it up a little more substantially than has yet been done. At the bottom of page 3 there is a provision to which the gentleman from Oklahoma referred and which I noticed in my study of the bill. It refers to homestead allotments. That is to say, each of these Indians will have 160 acres as a homestead, and the balance of their lands are not exempt from taxation, even though the Indian may be a restricted Indian. His land holdings beyond 160 acres are subject to taxation in Oklahoma.

Now this provision is that the 160 acres—
shall remain exempt from taxation while the title remains in the allottee or in his unallotted heirs or devisees of one-half degree or more of Osage Indian blood until January 1, 1959: *Provided*, that the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres.

That is to say these Indians are so fully competent, as the gentleman from Oklahoma insists, that we are going to turn a tremendous amount of cash capital over to them within the next few years for them to squander as they like, but this 160 acres they may not sell until 1959, unless they are given a certificate of competency in advance of that time, and for the next 30 years it is to be exempt from taxation. Now, again I say either these Indians are competent to handle their business affairs or they are not competent. If they are competent to handle their business affairs, turn over their cash and put them on the same basis as any other citizen of Oklahoma, including the privilege of paying taxes. If they are not competent and hence can not sell this land, can not be permitted to pay taxes, do not turn over to them hundreds of thousands of dollars of cash capital within the next few years for them to squander.

Mr. HOWARD of Oklahoma. If the gentleman will yield, I will say to the gentleman this exemption of 160 acres to them is a gratuity on the part of Oklahoma. We have in every tribe this same condition existing; restricted Indians have homesteads exempt from taxation and surplus lands that are taxable.

Mr. CRAMTON. Now, the State of Oklahoma seems to be extremely generous in this. It is exceedingly agreeable that we exempt these lands from taxation for 30 years, although we are now insisting these Indians are competent to handle their business affairs. What is the situation? Why, the Indian—he wants to get his hands on the cash.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. In just a moment. He wants that cash as soon as he can get it, and the Indian is in favor of this bill to permit the cash to be turned over to him in a few years. The people of Oklahoma are perfectly willing to have the cash turned over to the Indians, because it is likely to get into general circulation in Oklahoma in a very short time. Hence there is a community of interest here between the Indians, who want to spend the money, and the people down there, who would like to help him spend it there. So a little matter like this matter of taxes for 30 years on their lands is something nobody is hearing much about, but as soon as that money is gone and these Indians have to be cared for in hospitals and provided for in schools, then the gentleman from Oklahoma and the people down there will come to Congress and say, "Now, these Osage children need to be in the public schools. You are not giving them enough tuition. We want more tuition, because these Indians are not paying taxes."

Mr. HOWARD of Oklahoma. I think the gentleman wants to be fair—

Mr. CRAMTON. I think I should yield first to the gentleman from Montana.

Mr. LEAVITT. How much time does the gentleman wish to consume of the hour? We did not fix any time, and I was wondering if the gentleman desired more time?

Mr. CRAMTON. I will get an hour and yield to the gentleman from Montana if he desires; if not, I will yield to the gentleman from Oklahoma.

Mr. LEAVITT. Does the gentleman understand what would be the situation if this or similar legislation is not enacted?

Mr. CRAMTON. I understand that section 1, as recommended by the committee on page 2 and on page 3 down to and including line 23, if enacted into law, would take care of the situation. That is important to be taken care of, and the other things I am speaking of, if handled at all by legislation, ought, I think, to be legislation a little more thoroughly worked out.

Mr. LEAVITT. Will the gentleman yield to another question?

Mr. CRAMTON. Yes.

Mr. LEAVITT. The gentleman is aware of the fact that instead of the Indians coming before the Committee on Public Lands and asking only to get this money in their hands immediately, the ones who came to the committee also asked us to continue the restrictions, so that that very thing could not take place. The purpose of this bill is the protection of the Indians in accordance with their own wish.

Mr. CRAMTON. That is but a limited restriction, a restriction over their lands, which carries a tax exemption. But the bill throws wide open the expenditure of a great amount of cash from oil leases.

Mr. LEAVITT. If the bill or some portions of the bill should not be passed within a year or a year and a half, all restrictions will be wiped away.

Mr. CRAMTON. We have two sessions of the next Congress in addition to this session in which to accomplish what we want. It is important that the bill should pass, but pages 2 and 3 would take care of that situation. I object to these undesirable things being carried along with it in section 1. I hope the gentleman will eliminate and change these other things. It is inconsistent to say that for 30 years we are going to continue to prevent their selling a certain amount of land and at the same time say within 5 or 10 years we will turn over to them all the cash derived from oil leases.

Mr. HOWARD of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HOWARD of Oklahoma. What I want to point out to the gentleman is that the total amount of money involved so far as these Indians of less than half blood are concerned is less than five millions, all told.

Mr. CRAMTON. How much more money have these Indians outside of that \$5,000,000? How much additional have those Indians who are affected by the \$5,000,000?

Mr. HOWARD of Oklahoma. Those who would be turned loose have not to-day exceeding \$5,000,000.

Mr. CRAMTON. When that \$5,000,000 is gone, what is left?

Mr. HOWARD of Oklahoma. They will have their head rights, which at the present time is bringing them in \$800 a quarter. But as to taxation, we are conceding that, because under treaties with the Seminoles and Cherokees the State of Oklahoma has to grant their homesteads untaxable as long as they are in the hands of the original holders and we feel that all our Indian citizens should be treated alike.

Mr. CRAMTON. We have no treaty with the Osages, and the fact that they have \$5,000,000 of cash, which will be widely distributed in Oklahoma in the next five years—

Mr. HOWARD of Oklahoma. This bill will give the Osage Indians about twelve hundred homesteads nontaxable as long as they are in the hands of the original allottees or their heirs. We in Oklahoma are not interested only in the situation where these Indians are being turned loose with all their money at once and are asking for it; we are trying to bring out a step-up plan of paying them as they go. The \$5,000,000 is not taken into consideration by the people of Oklahoma at all.

Mr. CRAMTON. I know the gentleman from Oklahoma is not concerned in it. But it is news to me that the general public of Oklahoma has gotten to the point of altruism where \$5,000,000 to be turned loose has no appeal to them.

I want to inform the House that the passage of this bill in its present form is unnecessary. The first section can be passed to extend their restriction period. But if it is deemed necessary to extend that period for 30 years—an admission on the part of officials in Oklahoma and in the department that these Indians are not competent to handle their financial affairs—we ought not to turn over to them their cash capital. The gentleman says it will give them business experience.

Mr. ARENTZ. Mr. Speaker, will the gentleman yield?

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield again?

Mr. CRAMTON. Yes; and then I will yield to the gentleman from Nevada [Mr. ARENTZ].

Mr. HOWARD of Oklahoma. The gentleman refers to the necessity of extending these restrictions. Now there is a difference. This extension is for the benefit of the whole tribe. It extends their community interests, and if it had been done for every tribe of Indians in Oklahoma they would all have

been better off. But this extension is not for any individual, and does give an extension to the trust period for those who have certificates of competency as well as those who have not.

Mr. CRAMTON. I am not at all in sympathy with 30 years' exemption from taxation for those who are competent to handle their business affairs. As to those who are not competent, I am afraid of their lack of ability to handle \$5,000,000.

Mr. HOWARD of Oklahoma. I do not think the gentleman should object to it as long as it is in the hands of the original allottees, the same as with the Five Civilized Tribes.

Mr. CRAMTON. As long as it is in the hands of the original allottees or those of one-half blood, providing that until January 1, 1959—that is 30 years—

Mr. HOWARD of Oklahoma. That is the extension of the trust period.

Mr. CRAMTON. That is an extension of the taxation period, mentioned at the bottom of page 3. Gentlemen have not been able to reconcile these inconsistencies that we are talking about.

The gentleman from Oklahoma is in error when he says the 30-year period does not apply to tax exemptions. It expressly does so apply, and my suggestion is not one of hostility to the bill. The bill ought to pass to accomplish the purposes of section 1, but I say we should debate it a while and then let it wait until next Wednesday. In the meantime, the committee can think it over and make sure we are doing the wise thing.

I thank the gentleman for yielding me this time. [Applause.]

Mr. LEAVITT. Mr. Speaker, I do not wish to be discourteous in my opening statement, but the difficulty confronting the House now is this: That without very much study of a matter that has been before the committee for over a year the gentleman from Michigan raises some questions on some points. In my judgment, at the beginning of the debate I should have outlined what the real purpose of this bill is, and then I should have turned over the discussion of the details to the two gentlemen from Oklahoma [Mr. HASTINGS and Mr. HOWARD], who are closely in touch with it, and to the gentleman from Kansas [Mr. SPROUL], who lives on the edge of the Osage country.

The purpose of this bill is to meet a very serious situation that exists with regard to the Osage Indians. It is the result of frequent visits to Washington on the part of delegates from the Osages and the Osage Tribal Council, calling the attention of the committee to the extremely serious situation that will exist if the present law, the law which is to-day in effect, should go on without amendment up to the 28th day of June, 1931.

This Congress, in 1906, passed an act that became a law on the 28th of June of that year, and which placed certain restrictions on the property of the Osage Indians, to continue for a period of 25 years, and that period of 25 years is going to be up in 1931. If that law as it now exists is not amended all of these restrictions are then going to be removed from these Osage people, and whether they are competent or whether they are incompetent to take care of their own affairs, they are going to be turned, with or without business experience or business judgment, over to the mercy of the white people. In a short time the very thing that the gentleman from Michigan is afraid of in connection with this bill would certainly take place.

Now, there have been certain business developments in the State of Oklahoma that have depended on the going into effect of the present law. I, as chairman of the Indian Affairs Committee, have not taken very much into consideration with respect to that, because I believe our duty in this instance is to legislate regarding the needs of the Indians and to see that we do not allow something to take place, through the error of a previous Congress, that will be injurious permanently to those people. So the committee, with long consideration, with frequent visits from the tribe, and long hearings, has had before it now for over a year the question of what ought to be done to meet the situation; and the committee, with divergent opinions that have been compromised by long study, has brought out this bill. It is a bill which has the approval of the Osage Tribal Council and a bill that the Osage Tribal Council, through its representatives here in Washington to-day, is asking particularly to have passed.

It is true there are some things in the bill that were not requested by the Osage Tribal Council, but there is nothing in the bill, so I am informed by the representatives of that council, objectionable to those Indians.

There are some sections of the bill to take care of situations that have arisen in connection with the leasing of oil lands, from conflicts between surface owners and lessees of oil lands, and matters of that kind. But what we have tried to get at is this, just to put it in brief form: We have tried to bring out a bill that will give added protection to the Osage Indians who need it and will not forever extend the protection of tax exemption and restrictions in the handling of funds over those who

have become more white men than they are Indians, or who, during the 30-year period over which we are intending to extend these restrictions with regard to certain homestead areas, will have become entirely competent to handle their own affairs.

The public sentiment of this country is divided on the Indian question. We are trying to work out policies that will ultimately fit the Indians into our population, and we are at the same time trying to take into consideration the fact that many of them are not yet ready to handle their own business affairs.

Now, we did what in regard to that? We took into consideration the homesteads on which there is to be this extension of an additional period of 30 years, and said that so long as they remain in the hands of the present allottees they shall be free from taxation just as they are now. But suppose they are left to heirs who are of less than half Osage Indian blood? Then those restrictions would pass away; but just as long as they remain in the hands of Indians who are half or more of Osage Indian blood they will have this protection up to 30 years from the enactment of this bill. That is in this bill.

Now, what other way is there to compromise between the idea of giving adequate restriction to Indians who need it and ultimately removing those restrictions so that the Indians who become of less than half Indian blood and who, particularly in the Osage Tribe because of their wealth, are able to become educated and ultimately able to handle their own affairs and will ultimately have to do so?

This is what we have tried to meet here, and in trying to meet it we have in this bill certain sections that are vital to these Indians for their future protection. We have other sections in here that have been put in the bill and have been agreed upon to take care of situations in every case that have arisen out of the fact that this Osage Indian property and these leases of Osage Indian lands exist.

Mr. ARENTZ. Will the gentleman yield there?

Mr. LEAVITT. Yes.

Mr. ARENTZ. I wish the gentleman would bring out the question of nontaxability of the 160-acre homesteads for the benefit of the gentleman from Michigan and others who may not understand its meaning. It is clear to me. I have sat in the committee month after month, and I think it is something that is justified in view of the taxes that are paid out of the leasing revenues of the State; but I think it should be explained.

Mr. LEAVITT. In order not to take up all the time, what I think I ought to do at this time is to state just briefly and in as clear form as I can the urgency of this kind of legislation and the real purpose the committee has in reporting it out, and then I wish to yield to the gentleman from Kansas and the gentleman from Oklahoma to go into the details of the matter; and I prefer to do this rather than carry on a discussion of the bill at this time.

Mr. CRAMTON. Will the gentleman yield for one question, for information?

Mr. LEAVITT. Yes.

Mr. CRAMTON. Has the department made a report upon the bill substantially in the form as reported by the committee?

Mr. LEAVITT. This is the situation with regard to that: We have had before our committee now for several days and at various times for months, a delegation of the Osage Indians themselves, accompanied by their superintendent, Mr. J. George Wright, of Oklahoma, and there is nothing in this bill that has not been written there in conference with the Indian Bureau, with Mr. Wright, with the representatives of the Osage Indians themselves, and it has been a matter of development.

We have not tried to rush through this bill. We have let it pass along. We have never raised any objection, when it was reached on the Consent Calendar, to having it go over. We have not tried to have it considered in that way. We felt it ought to remain on the calendar a long time and be considered in a great deal of detail. This bill, in the form in which it is now presented to the Congress, comes to us with a resolution with regard to certain amendments that will all be offered to the bill, handed to me by the Osage Tribal Council, five of the eight members of the council being present in Washington at this time. The resolution states this:

Resolution

Whereas the Osage Tribal Council duly and regularly assembled in Washington, D. C., this 28th day of January, 1929, there being present the following members: Fred Lookout, principal chief, Dick Petsemole, George Alberty, Frank Lessert, Clement Denoya, and Francis Revard, the absentees being Rogers Leahy, William Pryor, and S. S. Kennedy, there also being present Mr. Baconrind, fullblood delegate selected by Chief Lookout as a representative of fullblood Osages not members of the council, have under consideration Senate bill 2360, now under consideration by the House Indian Committee, and which concerns

legislation affecting the Osage Tribal Council and members of the Osage Tribe; and

Whereas it is believed that the Osage Tribal Council should, and do hereby, urge that certain amendments to said act before final passage, in the following particulars, to wit:

On page 2 of said act, line 22, after the word "1958," insert the words "unless otherwise provided by act of Congress."

On page 3, line 4, after the word "now," insert the words "or hereafter," so as to read "now or hereafter held in trust."

On page 3, line 25, after the word "the," before "allottee," insert the word "original," so as to read "the original allottee," and on the same line and page after the word "allottee" strike out the word "or" and insert in lieu thereof the word "and."

On page 4, line 6, section 2, eliminate all of section 2 to and including page 5, line 24, and in lieu thereof substitute proposed section 2 as attached, marked "I," as agreed to by representatives of oil lessees and land-surface owners.

On page 6, line 12, strike out the words "trust fund credit" and insert in lieu thereof the words "share of accumulated funds."

On page 6, line 16, strike out the words "in the Osage tribal trust funds" and insert in lieu thereof the words "of accumulated funds."

On page 6, line 23, strike out the word "dues" and insert in lieu thereof the word "payments."

On page 7, line 5, strike out the word "allowances" and insert the word "payments."

On page 7, line 7, after the word "Indian," insert the following:
"And provided further, That said 25 per cent of payments due said Osage Indians of less than one-half Indian blood shall not be retained unless and until claims for the aforesaid necessities of life shall have been presented to, investigated, and approved by the superintendent of the Osage Agency."

On page 7, lines 10 and 13, strike out the word "meritorious" and insert in lieu thereof the word "just."

On page 7, line 16, strike out the word "by" and insert the word "on."

On page 7, line 23, after the word "that," strike out all, including line 7 on page 8, and insert the following in lieu thereof:

"All just existing obligations of restricted Osage Indians outstanding on the passage of this act, when approved by the superintendent of the Osage Agency, shall be paid out of the money of such Indian appearing to his credit, in addition to his quarterly allowances: And provided further, That nothing herein contained shall be construed to interfere in any way with the granting of a certificate of competency by the Secretary of the Interior, as provided for by existing law, at any time after the payment of his or her just debts as herein provided."

On page 8, line 18, strike out the word "shall" and insert in lieu thereof the word "may," and after the word "devises," line 19, add "or may be retained by the Secretary of the Interior and invested for the benefit of such heirs or devisees."

On page 9, line 25, strike out the word "only" after the word "apply," and on page 10, line 1, strike out the words "of one-half or more Osage Indian blood," and on page 10, line 3, after the word "of," strike out the words "one-half or more."

On page 10, line 20, eliminate all of section 6 to and including the word "Agency," on page 12, line 21.

Section 7 to be left as written.

Now, therefore, be it

Resolved, by the Osage Tribal Council, That the bill as amended by the insertions and eliminations hereinabove made be forwarded to the honorable Commissioner of Indian Affairs, to the honorable chairman of the House Committee on Indian Affairs, and to the honorable chairman of the Senate Committee on Indian Affairs, with the recommendation that the amendments included herein be made in the bill above mentioned and described.

FRED LOOKOUT,
Principal Chief.
 GEORGE ALBERTY,
Acting Secretary.

We have accepted all these amendments that were worked out by the tribal council and the Indian Office. I can not say that is the form in which the bill is presented to the House, but that is the form in which we intend to bring it to a vote, because I expect to offer every one of these amendments.

These resolutions followed previous visits on the part of this delegation and previous letters and resolutions received, asking and urging that this legislation be brought before the House and that it be enacted for the benefit of the Indians themselves.

We have had this in mind and I feel that there is no more important piece of legislation before us. We are not trying to hurry it through the House. We want it fully discussed, but we do not want to be accused of bringing out something here to turn loose the money of these Indians or of doing anything to the detriment of these Indians. Every step has been taken after consultation with them. It is what they want, and the bill is so written, in our judgment, as to accomplish two things: To protect these Indians as long as they need protection and to

take steps to fit them into our population and give them training in the handling of their own business, ultimately, when they cease to be of half or more Indian blood. [Applause.]

I yield 10 minutes to the gentleman from Kansas [Mr. SPROUL].

Mr. SPROUL of Kansas. Mr. Chairman and gentlemen of the committee, I hope I may be pardoned for a few personal references. I have lived in my congressional district within 10 miles of the Oklahoma line for 45 years, 35 years of which has been near the Osage Indian Reservation. During the past 25 years I have been engaged in the oil and gas business near the Osage Indian lands. My leases have joined the reservation of the Osages. I have had business and social relations with the Quapaws and the Osages during the 45 years.

When I became a member of the Committee on Indian Affairs I only had a general idea concerning the legal and Government relations existing between the Federal Government and the 200, approximately, tribes of Indians. I spent many days preparing a brief of Indian affair law, setting forth my understanding of what the law is as existing between the Federal Government and the Indian tribes. I thought it my duty to become acquainted with the law of the relationship between the Government and the tribes in order to enable me to properly function, or, at least, to better function in the affairs of the committee.

As has been splendidly presented by the chairman of the committee [Mr. LEAVITT], we have spent much time and given sincere and careful consideration to the laws pertaining to the laws of the Osage Indians, and the question of the duty of Congress toward the tribe.

I am sure that the gentleman from Michigan [Mr. CRAMTON], by his remarks, did not mean to intimate that the committee was trying to put something over on the House that was not well considered, or that we did not have much capacity to deal with Indian affairs.

Mr. CRAMTON. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. CRAMTON. I want to say exactly the opposite. I have great confidence in the Committee on Indian Affairs—the gentleman from Montana [Mr. LEAVITT], and the gentleman from Kansas, the gentleman from Oklahoma, and all members of that committee. I know their familiarity with Indian affairs. I have absolute confidence in their integrity and good intentions. I also know the great pressure under which busy men work, and sometimes legislation does not work out just as it is intended. All I have tried to do is to challenge the attention of the committee to some features in the bill which I have not been able to understand, and hope if there is any incongruity it can be worked out better than it has been.

Mr. SPROUL of Kansas. It is impossible for each Member of the House to become specially familiar with every bill that comes before us for consideration. I agree with the gentleman from Michigan that it would be well if we could have consideration of the various bills deferred from time to time until each one could thoroughly understand it, and not only that, but to have it drafted to exactly suit all opinions as to what it should be. [Laughter.]

Mr. STEVENSON. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. STEVENSON. I was interested in the statement of the gentleman from Montana [Mr. LEAVITT], in which he stated that certain property would remain exempt from taxation as long as the title was in Indians of at least half blood; but that if it came into the hands of Indians of less than half blood the exemption would be swept away. I was curious to understand why property, the title of which was in a half blood, should be any more exempt than property in the hands of a quarter blood.

Mr. SPROUL of Kansas. I will try and explain that. The purpose of this bill is to extend the 30-year period for the Osage Indians to hold mineral rights under their former-owned land in communion or tribal interests—each having an equal amount of the money in the tribal fund. The period for extending the mineral rights for 30 years, until 1959, is the principal purpose of the bill. There are other provisions in the bill referred to by the gentleman from Montana [Mr. LEAVITT], chairman of the committee. One is with reference to the regulation of the operation of the oil business. There is no controversy about that.

Our friend from Michigan [Mr. CRAMTON] misunderstood, and I think the gentleman read inaccurately the provision of the bill for the automatic removal of restrictions, and the emancipation of the less-than-half blood.

Beginning on page 7, line 15, the bill reads:

That the Secretary of the Interior shall by or before the end of five years from the date of the approval of this act, pay to each restricted

Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma, and who is at the date of approval of this act more than 25 years of age, the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indian.

Let me suggest to the committee that each one of these practically white people is to be 30 years of age; that is, 9 years older than the age at which white young men and young women throughout the country come into the possession of their inheritance, no matter how much it may be.

Mr. CRAMTON. I do not see where the gentleman gets the 30 years. The language says 25 years.

Mr. SPROUL of Kansas. If the gentleman will read the bill carefully, he will see that it provides that the Indians who at the passage of this act are 25 years of age five years later shall get their full amount. This would make them 30 years of age.

Mr. CRAMTON. If the Secretary does not act until the maximum period elapses. The bill says on or before five years, and he might act the day after the bill passes. It is not so very material.

Mr. SPROUL of Kansas. The bill does not seek to give the Secretary of the Interior one particle of power that he does not now have, and has not had, and has not been exercising, whether under sound or unsound discretion. So that these quarter-bloods, and eighth-bloods, and sixteenthths, and sixty-fourth bloods who are getting large sums of money quarterly out of their communal share of the tribal funds will get their full share of the tribe's accumulated funds when 30 years of age. They are men and women who have been educated in modern schools, who drive about over the country in Packard cars, who are far better dressed than the average white person, who bear the appearance of educated and cultured men and women. They are to get their share of this accumulated fund when they arrive at 30 years of age.

The relationship between the Federal Government and the Indians is that of a guardian to a ward. Certainly it is the duty of this great Government, functioning as a guardian of these Indians, to try to its utmost to qualify the wards for good citizenship. Certainly this type of Indian, when he has been educated in modern schools and has mingled with white people until 30 years of age, should be declared qualified for citizenship except when under guardianship in the State in which he lives.

The SPEAKER. The time of the gentleman from Kansas has expired, and the one hour to be controlled by the gentleman from Montana has expired.

Mr. CRAMTON. Mr. Speaker, I ask recognition, and I shall be glad to yield time to the gentleman, such time as he desires.

The SPEAKER. The gentleman from Michigan is recognized for one hour in opposition to the bill.

Mr. CRAMTON. I yield the gentleman from Kansas such time as he desires. I shall be glad if the gentleman will answer a question or two with particular reference now to the class affected on page 7, beginning at line 15, where they are over 25 years of age and of less than half blood. All of this accumulated fund is then to be turned over to them.

Mr. SPROUL of Kansas. Yes; their respective shares—

Mr. CRAMTON. And the restriction continues to apply to their 160 acres.

Mr. SPROUL of Kansas. Yes.

Mr. CRAMTON. That is nontaxable for 30 years.

Mr. SPROUL of Kansas. No; that is nontaxable until Congress shall otherwise provide.

Mr. CRAMTON. There is an intimation of 30 years. Roughly speaking, how much are these 160 acres worth, the mineral rights not being included?

Mr. SPROUL of Kansas. That depends upon where they are situated.

Mr. CRAMTON. What would be the maximum?

Mr. SPROUL of Kansas. It would depend upon the improvements upon the land. Generally, they have a \$10,000 to \$30,000 residence upon it. It would be very difficult for me to tell, but I should say upon an average of about \$15,000 or \$20,000.

Mr. CRAMTON. What is the average cash that is to be turned over to them in this 5-year period?

Mr. SPROUL of Kansas. I would not be able to inform the gentleman on that?

Mr. CRAMTON. Would the gentleman from Oklahoma indicate? My impression is that it is \$5,000,000 and there are 90 or 100 of them.

Mr. HASTINGS. It has been running about \$12,000 to \$15,000 a year.

Mr. CRAMTON. This accumulated fund is \$5,000,000.

Mr. HASTINGS. That depends on how much each individual has to his credit.

Mr. CRAMTON. If I am correct in my recollection of the statement of the gentleman from Oklahoma [Mr. HOWARD], there will be \$5,000,000 affected by this, and with less than 100 Indians, that would be something like \$50,000 each. In other words, we are going to continue for 30 years a guardianship over their land worth maybe \$25,000, but we are going to turn over to them within 5 years \$50,000, or whatever it is, in cash. As a matter of fact, I have a feeling that the cash is much larger than \$50,000.

Mr. SPROUL of Kansas. I think the gentleman is entirely in error. I would venture the assertion from general knowledge that it is far less than \$50,000 on an average.

Mr. CRAMTON. What I do not understand is why, if they are so thoroughly competent and drive their fine automobiles around on the roads of Oklahoma, they should not be declared competent and pay taxes to keep up those roads.

Mr. SPROUL of Kansas. By agreement they pay—the tribe pays—into the county 1 per cent of the gross production of oil in Osage County, which by mutual understanding with the county commissioners amounts to more than the taxes on their homesteads would amount to, and for that reason the county commissioners think it would be fair and equitable to the county to continue the exemption upon their homesteads.

Mr. CRAMTON. Do they pay a higher tax on their receipts from oil leases than the whites pay?

Mr. SPROUL of Kansas. Yes; they pay identically the same tax, 3 per cent of the gross production, the same as the operators, and then pay 1 per cent in addition, which in the estimation of the county commissioners yields the county a bigger revenue than a tax on their homesteads would yield.

Mr. CRAMTON. Is that to continue after all the restrictions are removed from their property?

Mr. SPROUL of Kansas. They rate or consider them together.

Mr. CRAMTON. So that after the restrictions are all removed and they are in the same position as to property the whites are they are to be taxed on their property the same as the whites. Then, as I understand the gentleman, in addition they pay 1 per cent which the whites do not pay.

Mr. SPROUL of Kansas. Yes.

Mr. CRAMTON. That speaks eloquently for what the State of Oklahoma will do for the Indians if they have the opportunity.

Mr. HOWARD of Oklahoma. Congress did that in the act of 1921 which imposed that 1 per cent.

Mr. CRAMTON. I am just trying to prevent any such mistake here.

Mr. HASTINGS. I think it will expire in 1946. We extended that period to 1946.

Mr. SPROUL of Kansas. We tried to consider and act upon this bill without any prejudice for or against Oklahoma, but for the welfare of the Indians. Now let me suggest further in reference to the payments of debts of these less than half-blood Indians: They have neglected the payment of their bills for the necessities of life until the merchants who have supplied them in the cities around about Pawhusky hold claims against them for clothing, implements for their farms, for grocery bills, for drug bills, for doctor bills, for nurse bills, and so forth, and they are not paying them. They live in my district in different parts and live in different parts of the country; and appear, as I have suggested, in Packard automobiles, well dressed, well educated, and with plenty of money apparently to pay their dry-goods bills and auto-repair bills and hotel bills and living expenses in traveling all over the United States. So it occurred to those of us who are intimate with these conditions that inasmuch as every three months they have been getting from \$800 to \$1,200 each that the Indians should be taught—we call them Indians, but we might just as well or more properly call them white people—should be taught the lessons of integrity and honesty; that when they promise to pay a bill they ought to keep the promise; and, if they will not, then those in charge of their money should compel the keeping of their promises and teach by practice as well as precept the graces of honesty and integrity.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. SPROUL of Kansas. I will.

Mr. MORTON D. HULL. Can these people continue to get credit with these merchants?

Mr. SPROUL of Kansas. They continue to get credit with the merchants they purchase from. Their purchasing places are anywhere over the country where they are known, where they can come and be known that they are Osage and live at Pawhusky. They travel all over the United States. I will say to the members of the committee that there are no people in the United States that travel so much over the United States as those people do with their Packards. And think of it! Our

present administration enables them to buy Packard cars, and Buicks, and Nashes, and cars of that character and pay for them on the installment plan and pay at 8 per cent interest on the money they owe for the automobiles, while their grocery bills, dry-goods bills, and clothing bills go unpaid.

With some of us who know, it is not simply a theory. We know these conditions, and we feel—and the intelligent, fair-minded members of the tribe who are of less than half-blood concede and assert—that it will be a good lesson for these Indians to be taught. They are now taking advantage of the bankruptcy law. Just to show you how they become involved, they are taking advantage of the bankruptcy laws. Let us consider how our good friend from Michigan would have this \$1,000 every month protected against garnishment and attachment by those who furnish them with bread and meat and medical attention and clothing. The Indians have knowledge that there is a department of the Government that will aid them in the protection of their money. Here are questions that come to us who are members of the committee, who have made a study of these problems, and who have considered what is the prime and the great duty of the Federal Government as the guardian of the Indians. Is it the proper thing to say to these Indians, "We are going to protect and conserve your great wealth, given to you to exploit and speculate with, and buy from whomsoever you can buy," and save them say, "The Government will not pay our bills. We will keep our money and go on. We do not want our restrictions removed, because then we might get rid of our money. We have men up there on the floor of the House who will not allow our restrictions to be removed, and our funds will be kept for us forever, and we will continue to be wards, even if we be eligible for President or Vice President of the United States"? This is another view of it.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield there?

Mr. SPROUL of Kansas. I yield to the gentleman.

Mr. CRAMTON. This is not controversial. The gentleman spoke about these Indians going through bankruptcy proceedings. Do I understand that in any case an Osage Indian was discharged in bankruptcy; an Indian who owned a homestead of more than 160 acres, worth \$25,000 or \$30,000, and who had an undivided interest in the tribal funds estimated at \$50,000, insuring a regular income—under those circumstances has a Federal court granted them relief in bankruptcy?

Mr. SPROUL of Kansas. That is my understanding; and one well-known judge has held that the fund and payment is not subject to attachment, and that likewise the tribal funds are not to be charged to the Indians as business assets.

Mr. CRAMTON. If these Indians do not pay their grocers and their clothiers and doctors when they have an assured income as at present, how are you going to compel them to pay their bills when we shall have turned over to them their principal and they have squandered it?

Mr. SPROUL of Kansas. I will answer the gentleman. In the first place, the automobiles seem to have been purchased with the approval of the Government. I do not indorse that. I do not think that ought to have been done. But nevertheless it has been done, to the neglect of their grocery and other bills for the necessities of life. But this bill provides for shorting these Indians, so to speak, to the extent of 25 per cent quarterly of their money when there exist just debts for the necessities of life. It has been considered both by members of the committee and the leading Indians themselves that it will be a good and valuable lesson to them as to what they should do in the matter of paying their bills and economizing and living within their income, so that by the arrival of the 5-year time, when they will get their accumulated money, they will have been taught valuable lessons in economy and regard for the obligations of paying of their debts. All these matters have been carefully weighed and studied with reference to the actual facts and requirements concerning the Indians and their lands.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield there?

Mr. SPROUL of Kansas. Yes.

Mr. CONNALLY of Texas. From what the gentleman from Kansas has said we would naturally infer that these Indians are improvident. If you removed the restrictions from their money, would they not still continue to be extravagant and by pay time will have nothing?

Mr. SPROUL of Kansas. Unless something is done to make them pay.

Mr. CONNALLY of Texas. When the pay time comes will not the white man have all the money and the Indian will have nothing left?

Mr. SPROUL of Kansas. It will be much less so if you pass this bill than if you did not pass it.

Mr. CONNALLY of Texas. Is not the Government policy with respect to all its employees not to consider itself a collecting agency? Does not the department say it is not in the collecting business, and does it not send such letters as complain of unpaid debts to employees back to the writers?

Mr. SPROUL of Kansas. Such experience as I have had is this: The department sends word down to the postmaster, for example, to notify the rural delivery carrier who does not pay his debts that he had better resign or pay his debts. That is the way Uncle Sam treats postal employees. That is an illustration of the experience I have had down in the State of Oklahoma.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield there?

Mr. SPROUL of Kansas. Yes.

Mr. TAYLOR of Colorado. In cases of that kind Congress has held—and the department has held—that if merchants or others do any business in extending credit to Indians of that kind, whether they are dead-beat Indians or otherwise, the Government agencies could not be used to compel them to pay the merchants to whom they owe debts.

Mr. SPROUL of Kansas. That has been tried, with no success.

Oftentimes there are hospital bills, nurse bills, medical bills, and drug bills which are incurred very suddenly and without time to communicate with the Government and get authority to incur them. So if bills of that kind could not be incurred the Indian and his family might suffer very greatly. It has been impracticable to work out all of these things without credit to Indians for necessities—

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. COOPER of Wisconsin. What is the reason that the proprietor of a grocery store, of a boot and shoe store, or any other store furnishing the necessities of life, could not refuse to sell, except for cash, to an Indian who receives as much money as these Indians receive.

Mr. SPROUL of Kansas. There is no reason, I will say to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Now, right there. Everybody, I suppose, knows of quite well-to-do white people—not quarter bloods or half bloods but pure Caucasians dating away back, at least they say so—who are such proverbial dead-beats that although independently well to do, they can not get one dollar's worth of groceries on credit, so it would seem to me it would be the easiest thing in the world to stop a dead-beat Indian.

Mr. SPROUL of Kansas. Well, the Indian in the gentleman's country may be very different from the Indian in our country. A free white man might have a homestead that might be free from an execution, but he does not get away from paying his grocery bills very long. However, the difference between a white man and an Indian is that the Government of the United States is not the guardian of the white individual but is the guardian of these Indians, and it is our duty to aid them in handling their money and property in such a way as to make the best kind of citizens out of them and prevent them from being indigent if we can, and to teach them to be truthful and honest and industrious citizens.

I do not contend for one minute that we are dealing the most wisely with the Osage Indians. I very much doubt it, but I surely think the provisions of this bill are full of merit as far as they go.

Mr. CRAMTON. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. Howard].

Mr. HOWARD of Oklahoma. Mr. Speaker and gentlemen, Osage County, in which these Indians live, is located in the district which I represent. This bill was brought to me last spring by the Osage Council, containing many of the provisions it now contains, asking that I introduce it. I took the precaution of introducing this bill by request, and not giving my indorsement to the measure at that time in its entirety by introducing it as my own.

I want to say to the Members of the House that in all of my six years' experience in Congress I have never seen a measure that has been studied, scrutinized, and restudied, by not only the entire Indian Affairs Committee but a subcommittee thereof, than has the measure before us. When it was first introduced it was sent to a subcommittee. The Osage Indians, the Osage Tribal Council, the superintendent of their agency, and parties interested otherwise appeared and were given hearings. Then, when the subcommittee had made a report to our committee, we again, as a whole committee, opened up the matter and went into the measure from every angle. The bill was reported out in the other session. We did not push it on the calendar. It has been on the calendar since last May, and within the last two

weeks we have again given time to the Osage Council, the superintendent of the agency, and the Bureau of Indian Affairs to appear before the committee, discuss the bill, and make recommendations. Out of all of these hearings and this study we have brought a bill before the House which we believe will give proper protection to the Osage Indian in every particular and yet do justice to those who live among them, develop their property, and trade with them.

Now, let us see for a moment what we are attempting to do in this bill. First, we are attempting, and very necessarily so, to provide for the holding of his mineral rights of all of them within the tribes and the moneys of the restricted ones under the supervision of the Government until 1959. If legislation of this kind is not passed the result will be that in 1931 the restrictions come off and the Indian will be left to the mercy of those whom some of you fear so much. That must be done. Now, then, we get to the matter of exemption from taxation. Let me say first that as to those of half blood or less, around which so much controversy has gathered, there are only about 80 involved, so far as their finances are concerned, and only 25 have allotments that will be nontaxable. Consequently neither myself nor the State of Oklahoma, nor the committee, is waiving any right to taxation for the purpose of turning this money loose. On the other hand, when Oklahoma became a State we found that the Government had treaties with the Cherokees and the Seminoles which made their lands forever nontaxable, or, rather, made their lands nontaxable as long as they were held in the hands of the original allottees. We had to accept that in our statehood agreement with the nation. Along with that were the provisions in the treaties that the Government had with the Osages, Choctaws, Chickasaws, and Creeks, that for a period, which expires in 1931, the State of Oklahoma would keep their lands nontaxable. We have lived up to that. Now, as the period is approached for the lands of these Indians to go on the tax rolls, we have taken the position in Oklahoma that these Indians are citizens of Oklahoma.

If the Cherokee and the Seminole are not to be taxed as long as the lands are in the hands of the original allottee, I feel that all our Indian citizens should be treated alike and are willing that the Osages shall be placed upon the same basis as to taxation. This is the explanation of the nontaxable provision in this bill.

The Osage Indians, however, I will say, went to the county commissioners of Osage County and asked for this provision and the Osage County commissioners recommended it to the Congress, and their recommendation will be found in the hearings on the measure.

Now, what next do we do? I have been informed by the secretary of the Osage Council as to this matter since this discussion began. Of the Indians of less than half blood, whose restrictions this bill seeks to eventually remove, there are just about 80. They are not the blanket Indians to which the minds of many turn when they think of the Indians of yesteryear. They are people who have a small amount of Indian blood in their veins. Their degree of Indian relationship running from one sixty-fourth or one one-hundred-and-twentieth up to almost half bloods.

The Government has accumulated this money while they have been in school. They are all now past 20 years of age, but what has happened is this: With a place where every three months they could go and get from \$800 to \$2,500 as their quarterly payments, it has not been conducive, in too many instances, to making of them business men and women, to whom we should turn over their entire fortune when they become a certain age. They can continually present evidence of their competency in every way, diplomas from colleges that some of us can not present. Educational advantages that some of us never had, they have had, and when they present such evidence their restrictions have been removed from time to time and we have found that not to be the best policy. So in this bill, in order to eventually emancipate them, as they have been promised ever since the days of Grover Cleveland, we have written a provision that those that are not yet 25 years of age shall be given one-fifth of their accumulated funds.

Then they will have two years within which to go out and experiment, and it has been my experience that even the boy who lost his first law got another one if he had it in him. So we propose in this bill to give him one-fifth of it, let him have two years with that one-fifth and then gradually give it to him until 10 years has elapsed, and then give him a certificate of competency. But we figure that if he has reached the age of 25 he is further along toward maturity and this bill provides that if he has already reached that age we provide that his money shall be paid to him in 5 years instead of 10 years. It is a plan which we knowingly, earnestly, and honestly conceived to be for the

benefit of the Indian and one that would help to bring about his emancipation.

Mr. CRAMTON. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. CRAMTON. There is a matter which I discussed when I was on the floor and which I brought then to the attention of the gentleman with respect to what seemed to be an inconsistency between the opening provision of section 3 on page 6, the 10-year period for the payment of this fund, and the proviso on page 7, providing a 5-year period in certain cases. Is the gentleman yet prepared to show the consistency of the two provisions?

Mr. HOWARD of Oklahoma. If anything in this bill is not made entirely clear, I am perfectly willing it shall be, but the intention of the committee, I will say to the gentleman from Michigan, is that as to those who are not 25 years of age, the payment of their money shall be extended over a period of 10 years. If they have reached the age of 25, then it shall be extended over a period of five years, and we are perfectly willing that anything that shall make that conclusive may be written into the bill.

Mr. CRAMTON. My purpose has been to direct the attention of the committee to these inconsistencies in the hope that they may be corrected.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. CRAMTON. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. SPROUL of Kansas. I can not see where there is any inconsistency in that proposition. The Indian who happens to be 25 years of age at the passage of this bill at the end of five years will be 30, and the purpose of the bill is to emancipate the Indians at the age of 30.

Mr. CRAMTON. I can see what the subsection on page 7 does. That relates to those who are at least 25 and have less than half Osage blood. That is quite specific, but the provision on page 6 seems to be broad enough to include them as well as others.

Mr. SPROUL of Kansas. It does, and that is the existing law and a law that has been on the statute books for some time, and the department requested that that be not stricken out, so that the department might anticipate the 30-year period of emancipation by intervening and giving them their certificates before they arrived at that age.

Mr. CRAMTON. It is not desirable on one page to say that it must be paid in 10 years, and on the next page to say that it shall be paid in 5 years. I think that they had better be reconciled.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. CRAMTON. I yield to the gentleman two minutes more.

Mr. HOWARD of Oklahoma. Now, Mr. Speaker, and gentlemen of the committee, I represent these Indians in the Congress. I introduced this bill by request. I have no interest whatever in the Osage Nation. I have not one penny of interest, or one dime, or any interest, except the protection of these Indians. I have worked on the subcommittee and I have worked on the general committee, and this legislation, I think, will protect my Indian constituency, and do justice to them. I believe it is a progressive measure of Osage Indian legislation. If I did not believe that I would be here against it, I hope when you take it up again you will pass this legislation. I am perfectly willing and more than anxious that any language in it may be corrected to the end that we get real legislation protecting the Indians, as well as all others. [Applause.]

Mr. CRAMTON. Does the gentleman from Oklahoma [Mr. HASTINGS] desire time?

Mr. HASTINGS. I would like a little time before we conclude the bill.

Mr. CRAMTON. If the gentleman desires time, I will yield him 10 minutes now or he can wait until next Wednesday.

Mr. LEAVITT. My purpose is not to consider or urge the completion of the bill to-night. I think the Members should have proper time to read the Record and perfectly understand the provisions of the bill.

Mr. HASTINGS. It is perfectly agreeable to me to go over until next Wednesday.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 4517. An act appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the

General Council and Business committee, and for other purposes; to the Committee on Appropriations.

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park, in the State of Florida, and for other purposes; to the Committee on the Public Lands.

S. 4890. An act authorizing the Secretary of the Treasury to pay to Gallup Undertaking Co. for burial of four Navajo Indians; to the Committee on Claims.

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands; to the Committee on the Public Lands.

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes"; to the Committee on the Merchant Marine and Fisheries.

S. 5090. An act for the relief of Lewis H. Easterly; to the Committee on Military Affairs.

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928; to the Committee on the Merchant Marine and Fisheries.

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. p. 224, sec. 241, title 22, U. S. C.); to the Committee on the Judiciary.

S. 5269. An act to amend the United States mining laws applicable to the Black Hills and Harney National Forests; to the Committee on the Public Lands.

S. 5331. An act for the relief of Edwina R. Munchhof; to the Committee on Claims.

S. 5452. An act to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian; to the Committee on Interstate and Foreign Commerce.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills and a joint resolution of the House of the following titles:

H. R. 940. An act for the relief of Michael J. Fraher;

H. R. 2098. An act for the relief of Alonzo Northrup;

H. R. 3268. An act for the relief of John G. DeCamp;

H. R. 4589. An act for the relief of Dan A. Morrison;

H. R. 8341. An act to provide for appointing Clarence Ulery a warrant officer, United States Army;

H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

H. R. 12995. An act for the relief of Etta B. Leach Johnson;

H. R. 14925. An act to authorize repayment of certain excess amounts paid by purchasers of lots in the town sites of Bowdoin, Mont., and for other purposes;

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear*;

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, and to provide a means for further investigation and payment in certain cases;

H. R. 14150. An act to amend section 279 of the Judicial Code; and

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes.

OPERATION OF THE FEDERAL BUDGET SYSTEM

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing the speech of the President at the Budget meeting, and also the speech of Director General Lord.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker, under leave granted me to do so, I herewith include as an extension of my remarks in the CONGRESSIONAL RECORD the address delivered by the President

of the United States, Hon. Calvin Coolidge, at the sixteenth regular meeting of the Business Organization of the Government at Memorial Continental Hall, in Washington, last Monday evening, the 23d instant; and also the address delivered on the same occasion by the Director of the Bureau of the Budget, Gen. Herbert M. Lord.

The address of President Coolidge follows:

ADDRESS OF THE PRESIDENT

Members of the Government's business organizations, the present fiscal year will bring to a close eight years of conducting the finances of the Government of the United States under the Budget system. It was put into operation to save the country from economic disaster. It has been fully justified by the results. In the first instance, the President, of course, is responsible for the direction of the system. In the second place, that responsibility is shared with the Congress in making appropriations. In the next place, the responsibility for efficient expenditures rests with the chiefs of the various departments. But in the final analysis, success could have been achieved only by the loyal cooperation and faithful service of the great rank and file of the Government personnel. To that great body, of which you are the representatives, the people owe a debt of gratitude, which I especially wish to acknowledge at this last Budget meeting of my administration. Without their devotion to the cause of constructive economy we could have done nothing. With it we have been able to do everything. The victory has been their victory, and the praise should be their praise.

When we began the task in June, 1921, of reconstructing our public finances, it looked almost impossible of accomplishment. The entire Government structure was permeated with extravagance. The expenditures for that fiscal year, exclusive of debt reductions, were about \$5,000,000,000. The interest charge alone was more than \$1,000,000,000, and our outstanding indebtedness was nearly \$24,000,000,000. The business of the country was prostrate. Its different branches of agriculture, commerce, banking, manufacturing, and transportation were suffering from severe depression. Employment was difficult to secure. Wages were declining. Five million people were out of work. The price of securities, even of Government bonds, was very low. It was difficult to find any market for commodities. Confidence in our entire economic structure had been shaken. Progress had stopped.

It is easy to see what the condition of the people would be under such circumstances. Those who had property, even though it was much diminished in value, could take care of themselves, as they always can. But to those who were carrying on business with borrowed capital and had outstanding notes and mortgages there seemed nothing ahead but ruin. Wage earners and their families were faced with want and misery. The cause of this distress was not difficult to ascertain. The country had been living beyond its means. It had been spending much more than it was earning, which meant that it had been using up its capital. The savings of previous years were being exhausted, principally through Government extravagance.

This was not a pleasant picture to behold. If relief were possible, those who were able to provide it could well afford to be charged with considering nothing but the material side of life, with advocating a penurious and cheeseparing policy, and with neglecting to supply the public needs. If a remedy could be found, when it was put into operation business would revive, profits would increase, employment would be plentiful, wages would be good, the distress of the people would be relieved, and a great condition of contentment and prosperity would prevail. Whatever criticisms there might be against those who had labored to secure this result, the satisfactory condition of the country would be a sufficient answer and a sufficient reward.

The evils and abuses of Government extravagance were perfectly apparent. It was believed and, as experience has demonstrated correctly, that the distress of the country would be relieved if Government extravagance ceased. It was for this purpose that the radical and revolutionary system was adopted of centralizing in the President the primary authority for the recommendation of all departmental estimates and establishing for his information and advice the Bureau of the Budget.

Seemingly without effort, but actually by hard and effective work, the change was wrought. Each of the succeeding years brought an ever-increasing improvement in the business of Government. Expenditures diminished until 1927, when, exclusive of the amount applied to debt reduction, they reached a point below the \$3,000,000,000 mark. This was \$2,000,000,000 below 1921. Billions were cut from the public debt, with a large saving of interest. The first tax reduction came in November, 1921, and was followed by three succeeding reductions. Funds were saved to meet the cost of our much-needed public improvements, which had been in abeyance during the war period. Short-time notes and long-time bonds were paid off and refunded at lower rates.

Working in that spirit which forcefully asserts itself in time of need, the executive and legislative branches of the Government, with the backing of the people, have inserted a golden page in our history. It fittingly portrays that peace hath its victories no less than war. In

the short period of seven and one-half years the public debt has been reduced \$6,667,000,000. The total saving in interest alone from this and refunding operations is \$963,000,000. Four reductions in taxes have returned to the people approximately \$2,000,000,000 a year, which would have been required had the revenue act of 1918 remained in force. Two and one-half million people have been entirely relieved of all Federal taxation.

One of the first essentials in the work of making the Federal Government a real business organization was the welding of the various departments and independent establishments into a harmonious, efficient concern. We found 43 independent departments and establishments each operating under its own customs and rules, utterly regardless of the existence of other departments which were parts of the same great establishment, the United States of America. There was little community of thought or harmony of action. Deep-seated hostility between certain Government agencies existed. That the National Government ought to be one great entity responsible for the happiness of 120,000,000 of people was entirely overlooked in the exclusive devotion of groups of Federal officials and employees to one particular subordinate department. This same obsession often characterized the relation between bureaus in the same department. Heroic effort was needed to substitute national loyalty for department and bureau loyalty. Efficiency and economy in operation were hopeless under such conditions. The situation called for a revolution in the attitude of Government agencies toward each other. Exclusive devotion to their subordinate even though important departments must give place to loyalty to the whole Government. To effect this great transformation a wide coordinating plan was put into effect. Representatives from the various departments and establishments were called together and organized into effective committees and boards to simplify and unify procedures and eliminate tortuous, wasteful, and unbusiness-like methods. In this way all the major activities of the Government were studied and harmonized by the efforts of our own personnel. Out from this study and effort sprang a business organization that compares favorably with like establishments in the business world in efficiency and unified control. Harmonious cooperation has won.

In pre-Budget days not a single administrative form indicated there was such a thing as a National Government. The several departments had their own business forms in varying and confusing multiplicity. To-day we have 38 Federal forms displacing the many hundreds that served to confuse business and add to the cost of government. Not a single specification contributed to good government business. To-day we have 602 standardized specifications which cover in large part the entire field of Federal requirements. We are using one uniform Government lease in place of several hundreds of departmental leases, while uniform construction and supply contracts in connection with our standardized specifications are contributing daily to good business and material saving. Our great real estate and rental interests, our hospitalization, our buying, selling, and printing, our patent interests, and office methods are subject to the same careful study and supervision.

Out in the field we have our area coordinators and our 280 Federal business associations with 63 more in the making. These unique Government agencies are spreading the gospel of efficient government economically administered. They are our most trenchant exponents of cooperation. The intangible savings resulting from this coordinating work mounts into millions yearly. The work is not spectacular, but it is the very foundation of good business. I believe that the Federal Government to-day is the best conducted big business in the world. To these faithful workers in our coordinating agencies, in Washington and elsewhere, the country owes a great debt of gratitude. This picture of widespread commitment to good government throughout the service—and extravagant government is not good government—is most inspiring and encouraging. We have demonstrated that saving results from efficiency, and efficiency comes from saving.

Largely because of such work as this, less than two years from the time when the lowest point was reached, the country was very generally restored to normal conditions. From that time on there has been an upward swing, broken only by short static periods or slight temporary recessions. The closing months of 1928 and the opening weeks of 1929 have seen American industry and commerce at the highest point ever attained in time of peace.

In order to understand more clearly what the effect of these efforts has been on the country, it is only necessary to compare some of the major economic factors of 1928 with those of 1921. The output of our factories increased during that interval nearly 60 per cent; in some cases, such as iron and steel production, it was more than doubled. The production of the mining industries as a group was at least 50 per cent greater last year than seven years before. The construction of new buildings was much more than twice as great in 1928 as in 1921. The advance was especially notable and gratifying in the building of homes and schools. Check payments outside of New York City, where the volume is much affected by stock-exchange transactions, have increased by about 57 per cent over 1921. Railway traffic has been about one-third greater than in the earlier year and has been carried on with far greater efficiency and dispatch. The number of automobiles registered is now nearly three times as great as at the beginning of 1921,

and the number manufactured during 1928 was more than three times as great as during 1921. Electric power production last year was considerably more than double what it was seven years before. From practically nothing, the business of radio broadcasting has become enormous, and the number of radio-receiving sets produced exceeds 13,000,000. The burdens of our housewives have been immeasurably lightened and their lives broadened by the introduction of numerous electrical conveniences and devices, most of which were unknown a few years ago.

The extent that the financial reserves of our citizens have increased is strikingly apparent. Savings deposits rose from \$16,500,000,000 at the end of the fiscal year 1921 to more than \$28,000,000,000 on June 30, 1928. Between 1921 and 1927 the amount of life insurance in force very nearly doubled, and the total of such protection came to exceed \$87,000,000,000. The assets of building and loan associations have risen from less than \$2,900,000,000 in 1921 to more than \$7,178,000,000 in 1927.

The record of the advance in education in this country during recent years has been truly astonishing. Figures for 1927 and 1928 are not yet available, but in the short period of six years, between 1920 and 1926, the number of students in our high schools, colleges, and universities grew from about three to nearly five millions. There has been an immense increase in the output of reading matter of all kinds.

With all our increase in production, the numbers of persons employed in several of our major activities have, apart from the sharp recovery after the depression of 1921, tended to decrease. At present there are fewer persons employed in manufactures, mining, railway transportation, and agriculture than in 1919, and the increase as compared with 15 or 20 years ago is decidedly less when compared with the total population of the country. This change means the elimination of waste and is an evidence of advance in living standards. With the constantly rising efficiency and greater production per man the quantity of goods available per capita of the population has increased materially. It has also been possible to set some workers free to furnish us services as distinguished from commodities—services of distribution, automobile travel, recreation, and amusement. By this means the whole number of persons employed has increased.

I do not claim that action by the National Government deserves all the credit for the rapid restoration of our country's business from the great depression of 1921, or for the steady progress that has since taken place. Unquestionably, however, wise governmental policies, and particularly wise economy in Government expenditures with steady reduction of the national debt, have had a dominant influence. The people gained confidence in themselves because of increasing confidence in their Government. The reduction of taxation made possible by the cutting down of Government expenditures left more income in the hands of the people, enabling them to increase their expenditures, and thereby not only to obtain greater comforts, but to add to the demand for commodities; it likewise helped to provide funds for building up the capital of the country and augmenting its productive capacity.

The public needs have not been neglected. We have been able to embark upon a building program which for public works, hospitals, and our military housing requirements will cost nearly half a billion dollars. We are amortizing the cost of the adjusted service certificate fund of veterans of the World War and the retirement funds of our civil establishment at a cost of \$132,000,000 a year. Additional funds are being devoted to flood-control work and improvements made necessary by disasters which have overtaken our own States and outlying territory. These expenditures could not have been financed without an economical administration. We could not have had tax reductions and the added expense of these necessary things without careful and orderly management of the business of government.

In this period of greatest prosperity the purely business phases of administration, the interests of commerce, and the encouragement of industry have not been permitted to absorb our attention and mortgage our revenue to the exclusion of the more humane objects and purposes. The duty and privilege of providing for our veterans and employees who have need of relief have not been neglected. The Employees' Compensation Commission in 1928 paid out \$3,267,000 for the benefit of injured Government employees, while the expenditure for pensions, compensation, insurance, and care for the veterans of various wars exceeded in 1928, \$600,000,000. In all these fields of need the Government has disbursed with generous hand, and its hospitals and homes for its wards thickly dot the land. In times of great disaster it opened the doors of its Treasury.

On the artistic, altruistic, and patriotic side there has been no parsimonious withholding. The beautiful Arlington Memorial Bridge that is spanning the Potomac, the preservation and marking of historic spots, the character of the public buildings being erected throughout the country, eloquently deny the charge that we are only a commercial Nation with no regard for anything but the pursuit of the dollar. During these late years there has been a steady growth of interest in the higher and better things, and I am convinced that the tone and character of the Nation has constantly improved.

We are giving the people better service than ever before. The post office is extending to the people, rich and poor, ever-increasing facili-

ties. The Public Health Service protects us from plague and other evils with a painstaking care heretofore unequalled. In all our lives, sleeping and waking, we are guarded and protected and helped by the Federal Government in more and more ways. This has been done under the restrictions of a policy of drastic economy, which have saved from waste the funds to make increased and better public service possible. You certainly have given abundant reason for being proud of our great Government.

In spite of all these remarkable accomplishments, much yet remains to be done. We still have an enormous public debt of over \$17,000,000,000. In spite of all our efforts for economy, our great savings in interest, and our four reductions in taxes, the expenses of the Federal Government during the last year are showing a tendency to increase. While much has been done in reducing the costs, by far the largest item of credit is due for preventing increased expenditures. A short time ago there were pending before the Congress, and seriously being advocated, bills which would have doubled our annual cost of government. At the present time committees have reported, and there are on the calendar in the Congress, bills which would cost more than a billion dollars. Had there not been a constant insistence upon a policy of rigid economy many of these bills would have become law.

It would be a great mistake to suppose that we can continue our national prosperity, with the attendant blessings which it confers upon the people, unless we continue to insist upon constructive economy in government. The margin between prosperity and depression is always very small. A decrease of less than 10 per cent in the income of the Nation would produce a deficit in our present Budget. The costs of State and local governments are rapidly mounting. From \$3,900,000,000 in 1921 the National Industrial Conference Board estimates that they reached \$7,931,000,000 in 1927. This is such a heavy drain on the earnings of the people that it is the greatest menace to the continuance of prosperity. It is a red flag warning us of the danger of depression and a repetition of the disaster which overtook the country in the closing days of 1920. It is a warning that should be heeded by every one intrusted with the expenditure or appropriation of public funds. It is the reason that further commitments by the National Government for any new projects not absolutely necessary should be faithfully resisted.

The results of economy which have meant so much to our own country, and indirectly to the world, could not have been successful without the Bureau of the Budget. It has been able in eight years to reduce estimates by \$2,614,000,000. The ability with which that bureau has been managed is due to its director. Since I have been President it has been under General Lord. In all our meetings I have spoken of him in terms of commendation. He has continued to justify all I have ever said in his praise. I wish to take this last opportunity which I shall have during my administration publicly to express to him again my appreciation of the high character of his work and my increasing confidence in the Budget system. No friend of sound government will ever consent to see it weakened. No one who admires fidelity and character in the public service will ever fail to be grateful for the services of General Lord, who will now address you.

ADDRESS OF GEN. H. M. LORD

Mr. President and members of the business organization of the Government, some years ago Peter Cornelius, a more or less well-known musician, composed a musical number called "Ein Ton" or "One Tone." One note dominates the entire composition. Measure follows measure, chord succeeds chord in rich and varying harmony, but that persistent, never-changing note marches on, commanding the musical unfoldment. It is always there, insistently asserting itself. The pleasing harmonies, the musical variations, the changing phases of this unusual number are artistically woven in and around that ever-appealing, ever-insistent, never-varying, never-silent note. Any departure from that commanding tone not in accord with the law of harmony would yield an unmusical dissonance to mar the beauty and perfection of the composition and discordantly interfere with the enjoyment afforded the listener.

Twice each year for eight years we have met in friendly conference to discuss the Nation's business. These conferences have all been "One Tone" gatherings. Their dominant note has always been "economy." No matter what the subject discussed, the keynote has always been the same—"economy"—with its inseparable comrade and companion, "efficiency." Our efforts to make effective this never-changing note of constructive economy, our endeavor to achieve harmonious and worthwhile results have, I am sure, been more successful than the attempt of the colored brother to entice music from his saxophone. A friend asked him how he was getting on with his saxophone.

"Purely, purely," was the discouraged reply. "Ah blows into that instrument the sweetest noises you all evah heard, but de mos' awful of a blah comes out of de otha end."

In our campaign for constructive economy the aim has always been to plead for the obvious, possible, and reasonable thing, to urge policies that would appeal to Federal administrators as sound and workable. We have tried to show our fellow workers that what we wanted them to do was what they should do. If our efforts for retrenchment and

efficiency were to be successful we must have something more than perfunctory assistance from service people. Hearty, whole-souled cooperation was necessary. That kind of cooperation we have had. It is because of this attitude on the part of our personnel, because of their interest in better administration, that so few false notes, so few discordant blaws, have marred the harmonious full-toned chords of accomplishment, woven in and about that dominating, never-ceasing note of "economy."

THE BUDGET SYSTEM

We have a great deal to say about the Budget system—possibly too much. I wish, however, to emphasize the fact that the Budget organization comprises not only the President, the Budget Bureau, the Budget officers of the various departments and establishments, the Chief Coordinator, our splendid coordinating boards, the area coordinators, and the 280 Federal business associations, but includes every person in the Federal service. When we speak of Budget achievements we are voicing the accomplishments of the people in the Federal service and the Congress that in its wisdom gave us our Budget system.

The man of the house arrived home from militia drill and proudly informed the members of his family that he had been appointed corporal.

"Are we corporals, too?" eagerly asked the children.

"No, no, children," replied the mother of the family, "only me and your pa."

But not so in this successful fight against waste, indifference, and inefficiency, for we are all corporals and entitled to wear the chevrons of honorable Budget service.

The Federal Budget system is no longer an experiment. It is not strange that its entry into Government operation was regarded with misgivings by administrators who through years of service had experienced little control over their estimates and less control over their expenditures. It, however, has come to stay. Chief Executives, Cabinet officers, Budget Directors, bureau chiefs will continue to play their parts and pass off the stage, but the fundamental importance of budgeting is so evident that it has become the fixed policy of the Government. The manner in which the policy is carried out, the methods of the Budget Bureau, may be legitimate objects of criticism, but the system itself defies attack. And the attitude to-day of the people in the service leads one to think that they believe in it and approve of it. It is possible, however, in some cases, that this attitude may be one of resignation. Said one friend to another:

"I understand your daughter is taking piano lessons. What progress is she making?"

"Improving, I think," was the answer, "either that or we are getting more used to it."

A NEW STARTING POINT

In Budget discussions heretofore we have made our comparisons with the year 1921. That was the last year free from Budget control. The total expenditure for that year, exclusive of debt reduction and postal expenses, was \$5,115,927,689.30. In 1927—six years later and six Budget years—that extraordinary outgo had been battered down to \$2,974,029,674.62. This gave us a reduction of \$2,141,898,014.68 in six years. The figures I have given, which have been challenged, are exact—taken from the records even to the last straggling penny—and I think can be understood even by the schoolboy who said he had no difficulty with algebra and geometry, but could not understand mathematics.

That year—1927—was also distinguished as the year of largest surplus—\$635,809,921.70, which you may recall we applied to the debt, saving thereby \$25,000,000 in annual interest.

EXPENDITURES AND GROWTH

That 1927 figure of \$2,974,029,674.62 is the lowest expenditure level this Government will ever see. The country is growing, expanding, developing gloriously. Its population is increasing—105,000,000 in 1920 and 120,000,000 in 1928. You can not run a modern mogul locomotive for the money that was sufficient to maintain and operate an old-style wood-burning engine. When legitimate operating expenses fail to show development and growth it will be evidence that something is radically wrong with the Republic.

From now on we can look for steady increase in necessary national expenditures. This, however, does not change Budget policy nor weaken the demand for the strictest economy in Federal operations. Rather that demand is strengthened. With the growth of the country new important projects will present themselves, calling for more money from the Treasury, and no matter how great the revenues, unless they are courageously controlled and wisely directed into channels of useful and necessary purposes, burdensome additional taxes, or inability to carry on necessary constructive work, will result. Certainly we contemplate no such possibility.

And the year 1927, with its record of smallest expenditure and biggest surplus, forms the new starting point for Budget operations. From now on instead of striving each year to reduce expenses below the preceding year we enter upon a new and equally important duty to see that advancing costs are reflected in necessary development and constructive progress.

INCREASING COSTS

Expenditures in 1928 exceeded the 1927 record by \$149,935,355.73. This was almost entirely due to new legislation providing for new projects of great national importance. We managed, however, with the aid of a \$50,000,000 reduction in interest, to end the year with a surplus of \$398,828,281.06. Of this amount, \$367,358,710.12 was applied to the debt with an annual interest saving of \$14,000,000.

THE PRESENT YEAR

The current year thus far has not been a happy one for the Budget organization. An original estimated surplus of \$252,540,283 was by new legislation, including tax reduction, transformed into a threatened deficit of \$94,000,000. At the last meeting of this organization in June the President called attention to this radical change in prospects, stated that he nevertheless contemplated no deficit at the end of the year, and called his executives and administrators into action, to work another transformation—to convert that \$94,000,000 indicated deficit into an assured surplus. By his direction the expenditure program for the year was radically modified. The pruning knife fell here and there and everywhere in the grim fight for a balanced Budget. Proposed expenditures of doubtful immediate necessity went under the guillotine. Every year since the installation of the Budget system has been a fighting year, but this year we are making the supreme fight of our history.

A man and his wife were brought before the judge for disturbing the peace. In response to the judge's inquiry the man explained:

"It was this-a-way, Jedge. Me and the wife was quarreling over the wash money. She called me a lazy loafer and hit me over the head with a kittle. I knocks her down. Up she comes and knocks me down and kicks me in the neck."

"Well, what then?" asked the judge.

"Well, then we gets mad and starts to fight."

And we have started to fight. We have not had a deficit since the inauguration of the Budget. We think it too late to begin now. We realize the seriousness of the deficit threat, and are calling out all our reserves to meet it. If we fail and June 30 finds the balance on the wrong side of the Treasury ledger we propose that the Federal service be able to say with clear conscience—

"We made an honest fight for a balanced Budget, we husbanded our supplies, we conserved our funds, we made every endeavor to increase our receipts and reduce our expenditures, we have done all we could."

One of the greatest assets of this great Government is the devotion of its personnel to the Federal service and their whole-hearted commitment to the particular projects with which they are charged. It is therefore a radical departure from the usual to call upon these administrators and ask them to modify their plans for the purpose of saving money with which to balance the National Budget. The quite general ready and sympathetic response to the President's appeal emphasizes the splendid morale of the service and shows its realization that the importance of a balanced budget outweighs the importance of their especial projects.

One able Federal administrator who disburses millions was greatly concerned when it was suggested that he reduce his spending program by a considerable amount. Said he, "If I reduce my expenditures by that amount it will seriously interfere with my plans. What am I going to do?" He was told the story of the woman on an Atlantic steamship. The sea got a little rough and she sent for the colored steward.

"What am I going to do if I am taken sick?" she asked.

Said the steward, "Lady, it's no use telling you what you're goin' to do if you're taken sick. You're goin' to do it anyhow."

The money is being saved!

As a result of this drastic action and an improvement in the revenue outlook, the Budget for 1930 as submitted to Congress showed a possible surplus for the current year of \$36,990,192. And while the flush of victory still mantled our cheeks unexpected and unheralded demands rudely wiped out our \$37,000,000 surplus and put in its place an apparent deficit of about the same amount. But we are still fighting.

THE FEDERAL CASUALTY CLUB

We haven't organized a new service club since the advent of the much-discussed Woodpecker Club. The time is ripe and need urgent for the installation of a new saving organization, and so I present for your approval the Federal Casualty Club. To acquire membership you will from now on up to and including June 30 next let all vacancies remain unfilled, thereby contributing toward a balanced budget the far from negligible sum of \$12,500,000. This does not contemplate the withholding of promotions. It directs itself only to the filling of vacancies by new appointments.

The Bureau of the Budget makes first application for membership.

And I am confident this can be done without much trouble or sacrifice. You should take for your model the member of the country band which was returning on a midnight train from a celebration in a neighboring town. The train conductor asked one of the somewhat inebriated members of the organization for his ticket. The man said he had lost it. The conductor said:

"Oh, no, my man; you couldn't do that. You couldn't lose your ticket."

"I couldn't lose my ticket?" replied the man, in an aggrieved tone of voice: "I've lost the bass drum."

You have accomplished much more difficult things than the one you are now asked to do—to save us that \$12,500,000.

SURGICAL WORK ON ESTIMATES

The estimates sent to Congress for 1930 call for \$280,777,617.33 less than the departments originally asked. Cuts in estimates made by the Budget Bureau during the entire Budget period—reductions made by direction of the President before submission to Congress—totaled \$1,961,681,076.49. This, however, does not tell the whole story, for Budget boards organized in the various departments take their toll before the estimates are sent to the Budget Bureau. The Treasury Department Budget Board, for example, reduced estimates by \$61,325,085.54, while the War Department authorities shaved \$590,560,046 from estimates before sending them to the Bureau of the Budget. Exclusive of reductions made by other Budget boards, we have a total reduction under Budget procedure of \$2,613,766,207.54. These major operations were not performed without protests and prophecies of dire calamity as a result of such reductions. But the disasters and fatalities predicted have not materialized, and we have to-day a more efficient organization than ever before. Many plants thrive with pruning, and the Federal plant seems to be one of them.

The estimates for 1930 show a possible surplus of \$60,576,182. This result is reached without figuring into the equation pending legislation and possible court action that may add millions to our expenditures and seriously threaten that narrow safety margin of \$60,000,000. Facing these conditions, the President stated that no estimates would meet with his approval that would contribute to a deficit in 1930. Appeals for funds must be confined to purposes of such supreme importance and urgency as would obviously warrant the risk of jeopardizing the 1930 balance. From a Budget standpoint no other course is possible, and supplemental estimates are having a hard time. Proponents of these supplementals urge that their needs, as voiced in their estimates, meet in full these requirements of importance and urgency.

The members of a certain denomination decided to remodel the church. Appeal was made to one of the members to contribute toward the building fund. He demurred, saying he owed a great deal of money to various people in the town and could not afford to contribute. "Don't you owe the Lord something?" asked one of the soliciting committee. "Yes; I s'pose I do," was the frank reply; "but He ain't pressing me like these others are."

We try in reviewing estimates to decide on the merits of each case and not allow ourselves to be convinced by the eloquence shown or the pressure applied by the advocates of particular projects. Some of the Federal representatives are gifted above others in the advocacy of their wants. It is the duty of the Budget Bureau to see that priority of merit is recognized irrespective of the strength or weakness of the presentation.

THE NATION'S DEBT

We still have a national debt. While we are committed to its reduction and final extinction we will miss it in a way when it is gone for it stands as a constant, eloquent appeal for economy in operation. Its consistent reduction is a measure in a large way of the effectiveness of our administration. Every dollar whittled from its all too magnificent proportions is a tribute to thrift in government.

The books of the Treasury August 31, 1919, showed a gross national debt of \$28,596,701,648.01. By application of the various surpluses of the years 1920 to 1928, amounting to \$3,091,000,000, through the operations of the cumulative sinking fund act, by foreign payments, the brilliant refunding operations of the Treasury Department, and other factors, on June 30 last that crushing total was reduced to \$17,604,293,201.43. This gave us an actual reduction in a little less than nine years of \$8,922,408,446.58—an average reduction over a period of nine years of \$1,000,000,000 a year. Could anything be more eloquent of the stability of our great Government and the wisdom that has governed its administration?

We are committed to the important task of bringing that debt balance down to \$15,000,000,000 in three years. From July 1 to December 31 last, the debt was reduced by \$290,000,000, which means an annual saving of \$11,000,000 in interest.

THE DEFENDABLE TREASURY

The more I see of our great Treasury Department the more I am impressed with the punctilious care with which it watches over even pennies and fractions of pennies. This same great care governs all its procedures, which are never modified until every last shadow of doubt as to the wisdom of such modification is removed. I read of the clerk of a western town who might well have served an apprenticeship in the Treasury Department. He was noted for the accuracy and completeness of his records. One evening while the town council was in session an earthquake rudely shook the townhouse. The council abandoned the shaking building in fear and haste. The clerk, however, remained, and true to form closed the record of the session with these words, "On motion of the townhouse the council adjourned."

While we may in this facetious way speak of the Treasury and its devotion to established procedures, we must admit that its methods are safe and sound. During the World War while we were concerned as to the draft, worried about the construction of cantonments, troubled regarding supplies, and fearful about transportation, we never gave anxious thought to the Treasury. Facing financial demands of a magnitude never before known, confronted with financial problems of the most extraordinary character, it stood like a Gibraltar, weathering every storm. All honor to those worthies who through the years have so ably carried on this great activity, and on the roll of honor we give high place to those who through the World War and since have so admirably administered its great interests.

PROTECTING THE TREASURY

There are hundreds of live, active organizations, created for the purpose of getting money out of the Federal Treasury. The Budget Bureau is an organization created and set apart by Congress for the defense of the Treasury. In the fight for protection of the taxpayers' money we meet always well organized, amply financed opposition. The Budget Director, as the President's representative, is almost overwhelmed at times with floods of letters, telegrams, personal appeals, and pressure of various kinds for favorable recommendation to the President for funds from the Treasury for purposes which he, with his impartial view of the entire field of Federal operation, knows should not be approved. If ever the Budget is set aside through the efforts of its enemies, and they are many, some one should tell to the beneficiaries of the Budget, whose name is legion, the story of the colored worker in a southern cotton field on a sweltering day in August, who, pointing an accusing finger at the sun blazing in scorching splendor overhead, asked complainingly, "Where was you last January, when I needed you so bad?"

FEDERAL WOODPECKERS

In June, 1927, the Loyal Order of Woodpeckers was organized in the Federal service to give the thousands of Federal workers a definite place in the campaign for thrift. To become a member a saving of at least \$1 a year must be made. With 568,715 employees there could be effected a saving of more than a half-million dollars a year, and that seemed worth trying. Of course, the more important purpose was the development of the spirit of conservation of Government money, time, and supplies. The proposal met with loyal response from the service.

That this woodpecker idea is contagious is shown by a letter from a citizen of Waco, Tex., who learned of the project over the radio from this auditorium. He asked for more details, saying he planned to organize one of the clubs in the plant where he is employed. I quote from his letter:

"As business is rather poor just now and expenses are rather high, it seems to be necessary to assist my company in every way possible to cut the cost and increase production, and in so doing I realize we shall all benefit."

Fortunate the business that has men of this type on its pay roll.

I have an illustration for the especial benefit of those critics who can see in a Budget report a few cents saved on pencils, which they ridicule, and fail to notice a saving in that same report of \$384,000,000 under our general reserve policy.

The Interior Department circularized its employees urging them to enlist in the Woodpecker Club and pledge themselves to make a specific saving during the year of at least \$1. I read from a letter sent to the district superintendent by a clerk at an Indian agency in Oklahoma. The letter was a response to the department circular:

"From the appropriation for lights and fuel I have saved at least \$1 * * * by sitting by the open fire in the evening with the lights turned out except when reading. * * * Through an open window my kitchen light shines into a mirror on my bathroom wall, which in turn reflects the light onto the white wall opposite and illuminates the entire bathroom."

And you smile. I did when I first read it. Then I pictured that lone Federal worker, on an Indian reservation, in far-distant Oklahoma, with little opportunity to save, studying to make his contribution to Federal economy and efficiency. And I smiled no longer. Spanning the prairies, crossing the rivers, and singing its way across the great open spaces, that subdued but penetrating note of economy that pulses through every phase of Federal activity, sounding clear and full in the remotest parts of the globe wherever the flag flies, found a responsive echo in the thought and consciousness of this loyal worker at one of the Nation's outposts.

"Through an open window my kitchen light shines into a mirror on my bathroom wall, which in turn reflects the light onto the white wall opposite and illuminates the entire bathroom."

Fortunate the Government that has men of that type on its pay roll. If that crusading spirit could possess the entire service, what a staggering record of saving we could make. Thank God there's no degree of merit in honest service. The charwoman who conserves Federal soap at the expense of her elbow in the interest of saving is entitled to the same medal for service as he who saves millions.

Mr. President, at the Federal business meeting held in this hall June 30, 1924, you made this declaration:

"I am for economy. After that I am for more economy. At this time and under present conditions that is my conception of serving all the people."

Here is the inspiration of our great thrift crusade—not merely to save money, but to save people. We had tried to substitute "to save" for "to spend." It had seemed a dreary, drab program, but you, Mr. President, vitalized it, and gave it human interest. From a cold, impersonal thing economy became a matter of the most intense personal interest, not only to the people in the service, but to the people of the country who gave to your policy of saving their enthusiastic approval. A miracle was wrought in the minds of the many, and thrift became more nearly than ever before the habit of the Nation. As a result of the policy, taxes were reduced and something more of hope and comfort and contentment brought into the homes of the people. Joaquin Miller has a new and I believe truer conception of that often misapplied word "hero":

"The hero we love in this land of to-day

Is the hero who lightens some fellowman's load—

Who makes of the mountain some pleasant highway,

Who makes of the desert some blossom-sown road."

This you have done, Mr. President. The interest of the taxpayer and the well-being and happiness of more than 120,000,000 of people are inseparably bound up in this policy of saving. Thrift has won for itself a permanent and prominent place in Federal administration. To you the everlasting credit, to you the gratitude of the people of the country, and to you the respect and appreciation of the Federal service.

LEAVE OF ABSENCE

By unanimous consent, the following leaves of absence were granted—

To Mr. BACON, for 10 days, on account of illness in his family.

To Mr. DOYLE, indefinitely, on account of illness.

ADJOURNMENT

Mr. LEAVITT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Thursday, January 31, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following list of committee hearings scheduled for Thursday, January 31, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON IRRIGATION AND RECLAMATION (10.30 a. m.)

To provide for the making of loans to drainage or levee districts (H. R. 14116).

COMMITTEE ON MILITARY AFFAIRS (10.30 a. m.)

To transfer national military parks to the Department of the Interior (S. 4173).

COMMITTEE ON WAYS AND MEANS (10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Cotton manufactures, January 31, February 1.

Flax, hemp, jute, and manufactures of, February 4, 5.

Wool and manufactures of, February 6.

Silk and silk goods, February 11, 12.

Papers and books, February 13, 14.

Sundries, February 15, 18, 19.

Free list, February 20, 21, 22.

Administrative and miscellaneous, February 25.

COMMITTEE ON RIVERS AND HARBORS (10 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES (10.30 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

787. A communication from the President of the United States, transmitting supplemental estimate of appropriation

amounting to \$38,280 for the Department of Agriculture, fiscal year 1929, to remain available until June 30, 1930 (H. Doc. No. 545); to the Committee on Appropriations and ordered to be printed.

788. A letter from the chairman of the Federal Trade Commission, transmitting report of the Federal Trade Commission on Resale Price Maintenance, Volume I, General Economic and Legal Aspects (H. Doc. No. 546); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the executive departments (Rept. No. 2272). Ordered to be printed.

Mr. SNELL: Committee on Rules. H. Res. 303. A resolution providing for the sending to conference of H. R. 15948, the first deficiency appropriation bill, 1929; without amendment (Rept. No. 2273). Referred to the House Calendar.

Mr. FRENCH: Committee on Appropriations. H. R. 16714. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 2274). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURNESS: Committee on Interstate and Foreign Commerce. H. R. 15717. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.; with amendment (Rept. No. 2275). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 15718. A bill granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at or near Lake Street, in the city of Gary, county of Lake, Ind.; without amendment (Rept. No. 2276). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 15916. A bill to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal; with amendment (Rept. No. 2277). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 16126. A bill granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.; without amendment (Rept. No. 2278). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 16208. A bill authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across Sandusky Bay at or near Sandusky, Ohio; with amendment (Rept. No. 2279). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16218. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the French Broad River on Highway No. 9 in Cocke County, Tenn.; with amendment (Rept. No. 2280). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 16306. A bill to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.; with amendment (Rept. No. 2281). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16382. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.; with amendment (Rept. No. 2282). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16383. A bill to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.; with amendment (Rept. No. 2283). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16384. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.;

with amendment (Rept. No. 2284). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16385. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.; with amendment (Rept. No. 2285). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16386. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.; with amendment (Rept. No. 2286). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16387. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.; with amendment (Rept. No. 2287). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16388. A bill to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.; with amendment (Rept. No. 2288). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16389. A bill to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River; without amendment (Rept. No. 2289). Referred to the House Calendar.

Mr. MORIN: Committee on Military Affairs. H. R. 450. A bill to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes; with amendment (Rept. No. 2290). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 15735. A bill to amend the Foreign Service buildings act, 1926, as amended; with amendment (Rept. No. 2291). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOLVERTON: Committee on Naval Affairs. H. R. 16533. A bill to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.; without amendment (Rept. No. 2292). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 16608. A bill to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes; without amendment (Rept. 2293). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 16656. A bill providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard; with amendment (Rept. No. 2294). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 16657. A bill to improve the efficiency of the Lighthouse Service, and for other purposes; with amendment (Rept. No. 2295). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Iowa: Committee on Foreign Affairs. H. J. Res. 355. A joint resolution authorizing the appropriation of the sum of \$50,000 to enable the Secretary of State to cooperate with the several governments, members of the Pan American Union, in the undertaking of financing and building an inter-American highway or highways; with amendment (Rept. No. 2296). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOWMAN: Committee on the District of Columbia. H. R. 15387. A bill to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia"; without amendment (Rept. No. 2301). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. J. Res. 21. A joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926; without amendment (Rept. No. 2302). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. RANSLEY: Committee on Military Affairs. H. J. Res. 373. A joint resolution authorizing the Secretary of War to re-

ceive for instruction at the United States Military Academy at West Point, Bey Mario Arosemena, a citizen of Panama; without amendment (Rept. No. 2297). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 14022. A bill for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service; with amendment (Rept. No. 2298). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 14975. A bill for the relief of Capt. William Cassidy; without amendment (Rept. No. 2299). Referred to the Committee of the Whole House.

Mr. HAUGEN: Committee on Agriculture. H. R. 12198. A bill to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.; without amendment (Rept. No. 2300). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Claims was discharged from the consideration of the bill (H. R. 15233) for the relief of James W. Walters, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. TEMPLE: A bill (H. R. 16715) to provide for the extension of the boundary limits of the proposed Great Smoky Mountains National Park, the establishment of which is authorized by the act approved May 22, 1926 (44 Stat. 616); to the Committee on the Public Lands.

By Mr. TAYLOR of Colorado: A bill (H. R. 16716) authorizing the appointment of cadets to the United States Military Academy from the Canal Zone; to the Committee on Military Affairs.

Also, a bill (H. R. 16717) authorizing the appointment of midshipmen to the United States Naval Academy from the Canal Zone; to the Committee on Naval Affairs.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 16718) providing for an appropriation for the benefit of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma; to the Committee on Appropriations.

By Mr. McREYNOLDS: A bill (H. R. 16719) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interest of navigation, opposite or near Chattanooga, Hamilton County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAUGEN: A bill (H. R. 16720) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended; to the Committee on Agriculture.

By Mr. HOGG: A bill (H. R. 16721) to amend the World War veterans' act, 1924, as amended, by providing for the payment of insurance to veterans in certain cases; to the Committee on World War Veterans' Legislation.

By Mr. JOHNSON of South Dakota: A bill (H. R. 16722) to authorize the President to consolidate and coordinate governmental activities affecting war veterans; to the Committee on Expenditures in the Executive Departments.

By Mr. DICKSTEIN: A bill (H. R. 16723) to amend the Code of Law for the District of Columbia, as amended; to the Committee on the District of Columbia.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16724) to extend the benefits of the Federal employees compensation act to civilians, members of the Reserve Officers' Training Corps, and officers and enlisted men of the National Guard who are injured in line of duty at military training camps; to the Committee on the Judiciary.

By Mr. ASWELL: A bill (H. R. 16725) authorizing L. L. Thompson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP: A bill (H. R. 16726) authorizing the Secretary of the Treasury to grant a right of way for a levee through the Carville Marine Hospital Reservation, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. MANSFIELD: A bill (H. R. 16727) to transfer Lavaca County from the Houston division to the Victoria division of the southern judicial district of Texas; to the Committee on the Judiciary.

By Mr. SANDERS of New York: A bill (H. R. 16728) providing for the issuance of a special postage stamp in commemoration of the one hundred and fiftieth anniversary of General Sullivan's raid which opened the Genesee country of western New York to civilization; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: A bill (H. R. 16729) granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 16730) granting the consent of Congress to compacts or agreements between the States of Colorado, New Mexico, Utah, and Wyoming with respect to the division and apportionment of the waters of the Colorado River and its tributaries and all other streams in which such States or any thereof are jointly interested; to the Committee on Irrigation and Reclamation.

By Mr. HUGHES: A bill (H. R. 16731) to provide for the purchase of sites and for the construction of post-office buildings in certain towns in the United States, and to provide for the issuance and sale of interest-bearing certificates for the creation of a fund for the purchase of such sites and the construction of such buildings; to the Committee on Public Buildings and Grounds.

By Mr. WAINWRIGHT: Joint resolution (H. J. Res. 395) to promote peace and to equalize the burdens and to minimize the profits of war; to the Committee on Rules.

By Mr. DENISON: Joint resolution (H. J. Res. 396) authorizing an investigation and survey for a Nicaraguan canal; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Concurrent resolution (H. Con. Res. 50) tendering the thanks of Congress to Capt. George Fried, captain of the steamship *America*, and his crew in recognition of their undaunted courage and unparalleled seamanship in rescuing the entire crew of the Italian freighter, steamship *Florida*, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. HAUGEN: Resolution (H. Res. 305) for the consideration of S. 1271, an act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance, and improvement, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State of Minnesota, memorializing the Congress of the United States that it is the sense of the members of the Minnesota Legislature that an adequate agriculture tariff be enacted at the earliest possible date; to the Committee on Ways and Means.

By Mr. NEWTON: Memorial of the State Legislature of Minnesota, memorializing the Congress of the United States that it is the sense of the members of the Minnesota Legislature that national legislation should not be enacted curtailing State rights with respect to transportation and with respect to the grain-growing industry; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, memorializing the Congress that it is the sense of the members of the Minnesota Legislature that an adequate agriculture tariff be enacted at the earliest possible date; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 16732) to correct the military record of Thomas W. Bath; to the Committee on Military Affairs.

By Mr. BLOOM: A bill (H. R. 16733) for the relief of Harry Solomon; to the Committee on Military Affairs.

By Mr. BRAND of Ohio: A bill (H. R. 16734) granting an increase of pension to William McCoy; to the Committee on Pensions.

By Mr. CONNERY: A bill (H. R. 16735) for the relief of William H. Rounceville; to the Committee on Military Affairs.

By Mr. CROWTHER: A bill (H. R. 16736) granting a pension to Mary E. Marx; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 16737) granting a pension to Anna L. Selvers; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 16738) for the relief of A. D. Rieger; to the Committee on Naval Affairs.

By Mr. W. T. FITZGERALD: A bill (H. R. 16739) granting an increase of pension to Laura Mitchell; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 16740) granting an increase of pension to Mary Walden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16741) granting an increase of pension to Sarah L. Meanor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16742) granting a pension to Laura M. Cooper; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 16743) granting an increase of pension to Mary A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16744) granting an increase of pension to Susan Byrum; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 16745) for the relief of Pasquale Mirabelli; to the Committee on Appropriations.

Also, a bill (H. R. 16746) granting an increase of pension to Minna L. McLean; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 16747) granting a pension to Luke Conerton; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 16748) for the relief of Elijah Fuller; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 16749) granting an increase of pension to Mary McDaniel; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 16750) granting a pension to Ura Belcher; to the Committee on Pensions.

By Mr. NELSON of Maine: A bill (H. R. 16751) granting a pension to Stanley Eugene Spear; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 16752) for the relief of O. S. Torgeson; to the Committee on Claims.

By Mr. OLIVER of New York: A bill (H. R. 16753) granting an increase of pension to John F. Wynne; to the Committee on Pensions.

By Mrs. OLDFIELD: A bill (H. R. 16754) granting a pension to Hosea M. Jones; to the Committee on Pensions.

Also, a bill (H. R. 16755) granting an increase of pension to Hiram E. Johnson; to the Committee on Pensions.

By Mr. SCHAFER: A bill (H. R. 16756) granting a pension to William G. Munro; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 16757) granting an increase of pension to Sarah J. Alabran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16758) granting an increase of pension to Susie A. Courson; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 16759) granting an increase of pension to Sarah E. Cubbison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16760) granting an increase of pension to Sarah A. Vail; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 16761) granting a pension to Mary L. Sargent; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16762) granting an increase of pension to Lena L. Shull; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 16763) granting an increase of pension to Barbara E. Furnish; to the Committee on Invalid Pensions.

By Mr. HAMMER: A resolution (H. Res. 304) to pay Mrs. Myrtle Brown Shely, widow of James W. Shely, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding \$250 to defray funeral expenses and last illness of the said James W. Shely; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8450. By Mr. BOHN: Petition of Sebewaing Chamber of Commerce, Sebewaing, Mich., regarding sugar tariff; to the Committee on Ways and Means.

8451. By Mr. BOWLES: Petition of Spanish War Veterans of Springfield, Mass., urging support of House bill 14676; to the Committee on Pensions.

8452. By Mr. CRAMTON: Telegram from the Michigan Public Utilities Commission, Lansing, Mich., urging favorable action on the Parker bus bill (H. R. 15621); to the Committee on Interstate and Foreign Commerce.

8453. By Mr. DARROW: Protest of the Philadelphia Board of Trade against the construction of additional bridges across the Delaware River between Allegheny Avenue, Philadelphia, and the sea; to the Committee on Interstate and Foreign Commerce.

8454. By Mr. ENGLEBRIGHT: Resolution of the Placer County Chamber of Commerce, through its secretary-manager, P. B. Goss, indorsing House bill 14665 and Senate bill 4601; to the Committee on Roads.

8455. By Mr. GARBER: Petition of the Church Federation of Sacramento, Calif., urging support of House Joint Resolution 351; to the Committee on the Judiciary.

8456. Also, petition of the Omaha (Nebr.) Chamber of Commerce, indorsing House bill 16346, to amend the tariff act of 1922; to the Committee on Ways and Means.

8457. Also, petition of the United States Fisheries Association, Washington, D. C., indorsing House Joint Resolution 303; to the Committee on Interstate and Foreign Commerce.

8458. Also, petition of the Corporation Commission of Oklahoma, urging support of House bill 15621; to the Committee on Interstate and Foreign Commerce.

8459. By Mr. GARRETT of Tennessee: Petition signed by shoe dealers and customers of Tiptonville, Tenn., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8460. By Mr. GRIEST: Petition of Columbia Malleable Castings Corporation, Columbia, Pa., protesting against the passage of the Shipstead anti-injunction bill (S. 1482); to the Committee on the Judiciary.

8461. By Mr. KVALE: Petition of Minneapolis Unit United States Veterans' Hospital Association No. 106, Fort Snelling, Minn., by Adele Goebel, president, and Carrie H. Chapman, secretary, urging early and favorable action on House bill 15573; to the Committee on World War Veterans' Legislation.

8462. By Mr. MANLOVE: Petition of 23 of the business and professional men of Neosho, Mo., including B. C. Sutherland, jr., W. A. Myers, Guy Forrester, Byron Wilson, E. S. Owsley, Garland Price, W. M. Guthrie, S. G. Tracy, J. D. Ward, F. Waymire Variety Store, petitioning Congress to repeal or radically modify the copyright laws passed in 1914, so that the American Society of Composers, Authors, and Publishers can not compel storekeepers to take out licenses with them for the privilege of operating phonographs, player pianos, or radio machines in their stores; to the Committee on Patents.

8463. Also, petition of D. S. Shumate, J. F. Dillard and son, W. E. Biddlecome, Hutchinson Drug Co., E. K. Johnston, E. C. Hower, L. A. Lynch, C. E. Jacques, H. Baldwin, J. D. Alexander, L. O. Magers, E. B. Shumate, and A. R. Wharton, of Aurora, Mo., petitioning Congress to repeal or radically modify the copyright laws passed in 1914, so that the American Society of Composers, Authors, and Publishers can not compel storekeepers to take out licenses with them for the privilege of operating phonographs, player pianos, or radio machines in their stores; to the Committee on Patents.

8464. Also, petition of 48 of the business and professional men of Monett, Mo., including Logan D. McKee, Charles B. Binion, Will T. Stocker, H. W. Fly, Laurence E. Lines, D. B. Meador, Art Adams, H. I. Bradford, E. J. Ashby, R. E. Shadel, B. C. Marshall, O. W. Williams, Floyd Callaway, J. L. Greer, H. I. Sutton, J. E. Wagner, George W. Bryan, Charles E. Mansfield, E. Folger, H. E. Carter, W. H. Floreth, H. T. Osborn, petitioning Congress to repeal or radically modify the copyright laws passed in 1914, so that the American Society of Composers, Authors, and Publishers can not compel storekeepers to take out licenses with them for the privilege of operating phonographs, player pianos, or radio machines in their stores; to the Committee on Patents.

8465. By Mr. O'CONNELL: Petition of James M. Motley, New York City, and Henry T. Peek, Smithtown Branch, Long Island, N. Y., favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8466. Also, petition of the American Indian Defense Association, with reference to House bill 7204, to authorize the creation of Indian trust estates; to the Committee on Indian Affairs.

8467. Also, petition of A. Schrader's Son (Inc.), Brooklyn, N. Y., favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8468. By Mr. PRALL: Petition received from Helena R. Pouch, regent, Richmond Chapter Daughters of the American Revolution, that the policy of the immigration act of 1924 be continued, and particularly the permanent basis for apportioning the quotas among the several countries in proportion to the number of persons of each national origin, including descendants now residing in the United States; to the Committee on Immigration and Naturalization.

8469. Also, petition received from the president of the Philemon Literary Society, Isabelle Temple, Tottenville, Staten Island, N. Y., that the policy of the immigration act of 1924 be continued, and particularly the permanent basis for the apportioning of the quotas among the several countries in proportion to the number of persons of each national origin, including descendants, now residing in the United States; to the Committee on Immigration and Naturalization.

8470. By Mr. VINCENT of Iowa: Petition of Women's Auxiliary to the Railway Mail Association, Council Bluffs, Iowa, urging support for the 44-hour week bill for postal clerks; to the Committee on the Post Office and Post Roads.

8471. By Mr. WELCH of California: Memorial of California Vineyardists' Association, calling attention of the Committee on Agriculture to the need of including perishable commodities, such as grapes, etc., in farm-relief legislation; to the Committee on Agriculture.

SENATE

THURSDAY, January 31, 1929

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

O Thou who hearest prayer, to whom all flesh shall come, satisfy us early with Thy mercy, for Thou hast taught us that ere our yearning has broken into speech Thou hearest us, that no secret sigh of discontent escapes Thy listening ear. Give to us an humble heart wherein we may enshrine the Infinite, and save us from the presumption that prides itself on knowledge not our own or fails to recognize the gifts Thy bounty yields. Reveal Thyself not only in this mystic hour but in all our strivings for the Nation's good, that we may be like those noble souls of other days who bore aloft the torch of truth, who from the mountain tops of vision heralded the coming day, and in the darkened valleys failed not to lift unto the hills of help the eyes of fellow men. Hear us and bless us for the sake of Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

| | | | |
|-----------|----------|----------------|---------------|
| Ashurst | Fletcher | King | Simmons |
| Barkley | Frazier | McKellar | Smoot |
| Bayard | George | McMaster | Steiwer |
| Bingham | Gerry | McNary | Stephens |
| Black | Gillett | Mayfield | Swanson |
| Blaine | Glass | Moses | Thomas, Idaho |
| Bleuse | Glenn | Neely | Thomas, Okla. |
| Borah | Goff | Norbeck | Trammell |
| Bratton | Gould | Norris | Tydings |
| Brookhart | Greene | Nye | Tyson |
| Bruce | Hale | Oddie | Vandenberg |
| Burton | Harris | Overman | Wagner |
| Capper | Harrison | Pine | Walsh, Mass. |
| Caraway | Hastings | Ransdell | Walsh, Mont. |
| Copeland | Hawes | Reed, Mo. | Warren |
| Couzens | Hayden | Robinson, Ind. | Waterman |
| Curtis | Heflin | Sackett | Watson |
| Dale | Johnson | Schall | Wheeler |
| Dill | Jones | Sheppard | |
| Edwards | Kendrick | Shipstead | |
| Fess | Keyes | Shortridge | |

Mr. GLENN. I desire to announce the absence of my colleague the senior Senator from Illinois [Mr. DENEEN] on account of illness.

Mr. NORRIS. I wish to announce the illness and on that account absence of my colleague the junior Senator from Nebraska [Mr. HOWELL].

Mr. GERRY. I wish to announce that the junior Senator from Louisiana [Mr. BROUSSARD] is absent on account of illness.

I also desire to state that the senior Senator from South Carolina [Mr. SMITH] is absent owing to illness.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

REPORT OF GEORGETOWN GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate a communication from Robert D. Weaver, president of the Georgetown Gas Light Co., transmitting, pursuant to law, a detailed statement of the business of that company, together with a list of stockholders, for the year ended December 31, 1928, which was referred to the Committee on the District of Columbia.

REPORT OF THE CAPITAL TRACTION CO.

The VICE PRESIDENT laid before the Senate a communication from J. H. Hanna, president of the Capital Traction Co., transmitting, pursuant to law, the report of that company for the year ended December 31, 1928, which was referred to the Committee on the District of Columbia.

SERVICE RETIREMENT DISABILITY FUND

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, copy of a letter from the Commissioner of Pensions, dated January 28, 1929, together with the eighth annual report of the board of actuaries of the civil-service retirement and disability fund, including, among other things, a valuation of the "civil-service retirement and disability fund," which, with the accompanying papers, was referred to the Committee on Civil Service.

PETITIONS AND MEMORIALS

Mr. CURTIS presented the following concurrent resolution of the Legislature of the State of Kansas, which was referred to the Committee on Finance:

House Concurrent Resolution 9, relating to tariff on livestock and livestock products

Whereas since the present foot-and-mouth embargo against importation of meat animals and meat products from South American countries into the United States demonstrates the beneficial effect of protection to our American livestock producers and is evidence of the necessity of an increased tariff duty on meat and meat animals; and

Whereas in order to protect livestock producers of the United States against the importation of all meat animals and meat products from low-cost production countries it is most urgent that Congress place hides on the dutiable list and increase present tariff duties on all meat animals and meat products at once: Therefore be it

Resolved by the House of Representatives of the State of Kansas (the Senate concurring therein), That we respectfully petition the Ways and Means Committee of Congress of the United States, at this time considering tariff schedules relating to agriculture, livestock, and livestock products, to place a tariff duty of at least 6 cents per pound on hides and increase the present tariff duty on meat and meat animals at least 200 per cent; and be it further

Resolved, That this resolution be engrossed by the secretary of the Senate and the chief clerk of the House of Representatives of the State of Kansas, and signed by the lieutenant governor and speaker of the house of representatives, and copies thereof transmitted to each member of the Kansas delegation in the National Congress.

I hereby certify that the above concurrent resolution originated in the house and passed that body.

January 23, 1929.

J. H. MYERS,
Speaker of the House.
IDA M. WALKER,
Chief Clerk of the House.

Passed the senate January 25, 1929.

J. W. GRAYBILL,
President of the Senate.
CLARENCE W. MILLER,
Assistant Secretary of the Senate.

Mr. SCHALL presented resolutions adopted by the Legislature of the State of Minnesota favoring the readjustment of tariff schedules affecting agricultural commodities, so that the American farmer may be placed on a parity with those engaged in other industries and insuring for him the full benefit of the American market for his products and giving him the average cost of production based on American standards of living, which were referred to the Committee on Finance.

(See resolutions printed in full when presented on yesterday by the Vice President, p. 2431 of the RECORD.)

Mr. SHEPPARD presented a petition of sundry citizens of the State of Texas, praying for the passage of legislation providing for the making of loans to drainage or levee districts, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Public Lands and Surveys, reported a joint resolution (S. J. Res. 206) to authorize the President of the United States to appoint a Yellowstone National Park boundary commission to inspect the areas involved